

related miscellaneous costs for preparation for the restoration of the State Capitol and the General Land Office Building.

Respectfully submitted,

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

**COMMITTEE SUBSTITUTE SENATE RESOLUTION 25
SET AS SPECIAL ORDER**

On motion of Senator Glasgow and by unanimous consent, C.S.S.R. 25 was set as special order on Monday, January 30, 1989, at the conclusion of Morning Call.

MEMORIAL RESOLUTIONS

S.R. 53 - By Barrientos: In memory of Police Officer Ramiro Olvera, Jr., of Austin.

S.R. 54 - By Barrientos: In memory of William A. Perkins of Austin.

S.R. 55 - By Montford: In memory of John Anderson, Jr., of Shallowater.

CONGRATULATORY RESOLUTIONS

H.C.R. 9 - (Sims): Commemorating the 150th anniversary of the adoption of the Lone Star Flag of Texas.

S.R. 52 - By Lyon: Declaring February 11, 1989, as Pat Tucker Day in the City of Tyler.

S.R. 56 - By Truan: Extending congratulations to Cefe Valenzuela of Corpus Christi.

ADJOURNMENT

In accordance with the provisions of H.C.R. 44 and on motion of Senator Brooks, the Senate at 11:26 a.m. adjourned, in loving memory of Dr. Stewart McLaurin and Jack Hensley, until 11:00 a.m. Monday, January 30, 1989.

SIXTH DAY

(Monday, January 30, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, McFarland, Montford, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Zaffirini.

Absent-excused: Lyon, Parker, Whitmire.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Heavenly Father, this morning we come before You, gathered in trust and with confidence of Your presence. As the Session unfolds make clear the needs of our State and provide guidance to these that will decide, and may wisdom and patience prevail as they anticipate the future. We pray the work of the Senate today will be blessed and favored. In Your Name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, January 25, 1989, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Lyon was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Parker was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Whitmire was granted leave of absence for today on account of important business on motion of Senator Brooks.

REPORT OF STANDING COMMITTEE

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 132
S.B. 98
S.B. 193 (Amended)
C.S.S.B. 10

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

S.B. 245 by McFarland	State Affairs
Relating to the collection and management of certain funds by the state.	
S.B. 246 by Barrientos, Edwards, Truan	Education
Relating to prekindergarten programs for certain children.	
S.B. 247 by Krier	Jurisprudence
Relating to the jurisdiction of the county courts at law of Bexar County.	
S.B. 248 by Armbrister	Health and Human Services
Relating to the training of employees of nursing homes or custodial care homes and to the eligibility of a person convicted of certain criminal offenses to be an employee of a home.	
S.B. 249 by Caperton	Education
Relating to a teenage pregnancy prevention education program.	
S.B. 251 by Montford, Glasgow	Criminal Justice
Relating to the regulation of the purchase of certain controlled substance precursors; providing a criminal penalty.	
S.B. 252 by Montford	Intergovernmental Relations
Relating to veterans county service officers.	

- S.B. 253** by Barrientos Education
 Relating to eligibility for participation in the Texas State College and University Employees Uniform Insurance Benefits Act.
- S.B. 254** by Barrientos Education
 Relating to tuition and fees payments at institutions of higher education.
- S.B. 255** by Montford, Lyon State Affairs
 Relating to the regulation of insurance companies; providing penalties.
- S.B. 256** by Montford State Affairs
 Relating to the repeal of the confidentiality requirements for certain proceedings and records of the State Board of Insurance.
- S.B. 257** by Montford State Affairs
 Relating to public notice and public information concerning the supervision or conservatorship of an insurance company.
- S.B. 258** by Montford State Affairs
 Relating to the supervision or conservatorship of an insurance company.
- S.B. 259** by Montford State Affairs
 Relating to a prohibition on certain activities of and reporting requirements for current and former members of the State Board of Insurance, the commissioner of insurance, and employees of the State Board of Insurance; providing a penalty.
- S.B. 260** by Montford State Affairs
 Relating to insurance company capital and surplus requirements.
- S.B. 261** by Montford State Affairs
 Relating to the regulation of managing general agents.
- S.B. 262** by Montford State Affairs
 Relating to the provision of certain life, health, and accident insurance and coverage to certain local government officers, employees, retirees, and dependents.
- S.B. 263** by Montford State Affairs
 Relating to receivership for and liquidation of insurance companies.
- S.B. 264** by Tejada Intergovernmental Relations
 Relating to criminal law magistrates in Bexar County.
- S.B. 265** by Green, Montford Economic Development
 Relating to the State Board of Insurance.
- S.B. 266** by Haley Natural Resources
 Relating to payments for purchase of the state's interest in certain state facilities.
- S.B. 267** by Haley Intergovernmental Relations
 Relating to the application of the professional prosecutors law to the district attorney of the 123rd Judicial District.
- S.B. 268** by Uribe Intergovernmental Relations
 Relating to the determination of physical fitness of fire fighters and police officer in certain cities; amending Chapter 325, Acts of the 50th Legislature, 1947 as amended by Chapter 906, Acts of the 70th Legislature, 1987 and as recodified by Chapter 149, Acts of the 70th Legislature, Regular Session, 1987 (Chapter 143, Section 143.081, V.T.C.A., Local Government Code), as amended; and declaring an emergency.
- S.B. 269** by Armbrister, Caperton, Lyon, Zaffirini Education
 Relating to the peace officer college loan program.

- S.B. 270** by Armbrister Finance
Relating to the appraisal of property located in more than one appraisal district.
- S.B. 271** by Uribe Health and Human Services
Relating to membership or privileges on a hospital medical staff.
- S.B. 272** by Uribe State Affairs
Relating to the creation, administration, powers, duties, and financing of the Texas Public School Employees Group Insurance Program.
- S.B. 273** by Santiesteban Criminal Justice
Relating to the expunction of arrest records of a person acquitted of a criminal offense.
- S.B. 274** by Glasgow Jurisprudence
Relating to the reduction of an award of damages for a health care liability claim by the amount of certain collateral sources of income of the patient.
- S.B. 275** by Glasgow Intergovernmental Relations
Relating to the provision of bulletproof vests to certain law enforcement officers.
- S.B. 276** by Parker Natural Resources
Relating to the operation of a moving vessel or the manipulation of water skis, an aquaplane, or other waterborne device while intoxicated; providing criminal penalties.
- S.B. 277** by Brooks Finance
Relating to exempting certain lawn and yard services from sales and use taxes.
- S.B. 278** by Caperton, Brooks Health and Human Services
Relating to the practice of physical therapy.
- S.B. 279** by Whitmire, Parmer Criminal Justice
Relating to the forfeiture of certain property related to felony offenses and to the offense of illegal investment under the Texas Controlled Substances Act.
- S.B. 280** by Whitmire Education
Relating to deductions from the salaries of school district employees for dues to professional organizations.
- S.B. 281** by Whitmire Intergovernmental Relations
Relating to the use of a toll road or toll bridge by an authorized emergency vehicle.
- S.B. 282** by Tejeda State Affairs
Relating to special license plates for recipients of the Purple Heart medal.
- S.B. 283** by Edwards Finance
Relating to certain costs of interexchange telecommunications proceedings held by the Public Utility Commission of Texas; making an emergency appropriation to the Office of Public Utility Counsel.
- S.B. 284** by Barrientos State Affairs
Relating to the provision of child-care services to state employees; establishing a task force and pilot program.
- S.B. 285** by Santiesteban Natural Resources
Relating to the establishment of a water pollution control and abatement program by certain cities.
- S.B. 286** by Sims, Zaffirini Finance
Relating to an emergency appropriation to the Texas Agricultural Experiment Station for research on the Africanized bee.

- S.B. 287** by Sims Education
Relating to vocational education.
- S.B. 288** by Sims State Affairs
Relating to daylight saving time.
- S.B. 289** by Lyon Intergovernmental Relations
Relating to the designation of areas within a county jail where certain fire safety devices are unsuitable for use.
- S.B. 290** by Green State Affairs
Relating to the filing deadline for the general primary election.
- S.B. 291** by Barrientos Education
Relating to mandatory retirement ages for tenured faculty at institutions of higher education.
- S.B. 292** by Parker Health and Human Services
Relating to indigent health care.
- S.B. 293** by Parker State Affairs
Relating to collective bargaining contracts entered into between this state or a political subdivision of this state and certain labor organizations.

CO-AUTHOR OF SENATE BILL 18

On motion of Senator Washington and by unanimous consent, Senator Glasgow will be shown as Co-author of **S.B. 18**.

CO-AUTHOR OF SENATE BILL 26

On motion of Senator Washington and by unanimous consent, Senator Santiesteban will be shown as Co-author of **S.B. 26**.

MESSAGE FROM THE HOUSE

House Chamber
January 30, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 27, In memory of Helen Farabee and authorizing the placement of a tree on the Capitol grounds in her memory.

H.C.R. 22, Honoring Seaman Dorris Miller and supporting legislation to award him the Congressional Medal of Honor for his heroism in World War II.

H.C.R. 10, In memory of Comanche County Deputy Sheriff David Jones.

H.C.R. 8, In memory of Cameron County Judge John "Jack" Arthur Goolsby, Jr.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

S.C.R. 10
S.C.R. 22
H.C.R. 34
H.C.R. 39

SENATE RESOLUTION 63

Senator Leedom offered the following resolution:

WHEREAS, The birthday of one of our distinguished members is indeed a happy occasion and is a time to pause to congratulate him and express our deep appreciation; and

WHEREAS, Senator Bill Sims celebrates his birthday on January 27, 1989; and

WHEREAS, Dedicated to meeting the needs of the 25th Senatorial District, the state's largest, this conscientious senator has constructively worked to meet and alleviate the problems facing Texas's farmers and ranchers; and

WHEREAS, A rancher and businessman in this region, his firsthand knowledge and experience make him invaluable in addressing their interests; and

WHEREAS, Currently serving as executive secretary of the Texas Sheep and Goat Raisers Association, he also serves on numerous state and national advisory committees; his involvement extends beyond agriculture to include protection of our wildlife and the development of the state's oil and gas industry; and

WHEREAS, His personal attributes of honesty and integrity flavored with his humor and pleasant personality have made him a friend to all who know and work with him; and

WHEREAS, Especially proud of his distinguished career are the members of his family: his lovely wife, Sue; his son, Billy Lowe Sims; and his daughter, Sue Ann Sims Setzler; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby honor its esteemed colleague, Senator Bill Sims, on the occasion of his 57th birthday; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Senator Bill Sims as a memento of this auspicious occasion.

The resolution was read and was adopted viva voce vote.

GUEST PRESENTED

Upon recognition, Senator Johnson introduced her sister, Mrs. Sally Ruth Johnson Moore of Grand Prairie.

The Senate welcomed her as a guest today.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
January 30, 1989

TO THE SENATE OF THE SEVENTY-FIRST LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE DAIRY ADVISORY BOARD, FOR TERMS TO EXPIRE DECEMBER 31, 1990:

Mr. Harvey Lee Richards
5300 Papaya Circle Route 4
Harlingen, Texas 78552

Mr. Richards is being reappointed.

Mr. Ben Harvey Long, Jr.
Route 4, Box 94
Weatherford, Texas 76086

Mr. Long is being reappointed.

TO BE A MEMBER OF THE TEXAS BOARD ON AGING, FOR A TERM TO EXPIRE FEBRUARY 1, 1995:

Dr. Gary R. Cook
6130 Del Norte
Dallas, Texas 75225

Dr. Cook is being reappointed.

TO BE A MEMBER OF THE TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL AUTHORITY, FOR A TERM TO EXPIRE FEBRUARY 1, 1995:

Dr. Milton J. Guiberteau
5626 Terwilliger Way
Houston, Texas 77056

Dr. Guiberteau is being reappointed.

TO BE A MEMBER OF THE PRODUCE RECOVERY FUND BOARD, FOR A TERM TO EXPIRE JANUARY 31, 1995:

Ms. Marian Sue Hawkins
103 North Broadway
Hart, Texas 79043

Ms. Hawkins is being reappointed.

TO BE BRANCH PILOTS FOR THE SABINE BAR, PASS AND TRIBUTARIES, FOR TERMS TO EXPIRE DECEMBER 31, 1993:

Captain Jerry J. McNeil
P.O. Box 295
Orangefield, Texas 77639

Captain McNeil is being reappointed.

Captain Phillip C. Smith
3848 Rachel
Port Arthur, Texas 77642

Captain Smith is being reappointed.

TO BE A BRANCH PILOT FOR THE PORT ARANSAS BAR, CORPUS CHRISTI BAY AND TRIBUTARIES, FOR A TERM TO EXPIRE DECEMBER 15, 1992:

Captain Robert Hans Jorgensen
4242 Gulfbreeze #404
Nueces, Texas 78402

Captain Jorgensen is being reappointed.

TO BE MEMBERS OF THE TEXAS BOARD OF HUMAN SERVICES, FOR TERMS TO EXPIRE JANUARY 20, 1995:

Mr. David Herndon
2903 Tarry Trail
Austin, Texas 78703

Mr. Herndon is replacing Vicki Garza of Corpus Christi whose term expired.

Ida Kern Papert
5840 Dexter Driver
Dallas, Texas 75230

Mrs. Papert is being appointed to a new position on the Board.
FOR A TERM TO EXPIRE JANUARY 20, 1991:

Mr. Glenn McMennamy
84 Palomino
Amarillo, Texas 79106

Mr. McMennamy is filling a new position.
FOR A TERM TO EXPIRE JANUARY 20, 1993:

Mr. Maurice Lee Barksdale
2400 Table Rock Ct.
Arlington, Texas 76006

Mr. Barksdale is being reappointed to a new position on the Board.

TO BE COMMISSIONER OF THE TEXAS DEPARTMENT OF LABOR AND
STANDARDS, FOR A TERM TO EXPIRE FEBRUARY 1, 1991:

Mr. Richard Lee Morgan
3635 Stables Lane
Dallas, Texas 75229

Mr. Morgan is being reappointed.

TO BE A MEMBER OF THE TEXAS A&M UNIVERSITY SYSTEM, BOARD
OF REGENTS, FOR A TERM TO EXPIRE FEBRUARY 1, 1995:

Billy W. Clayton
Box 38
Springlake, Texas 79082

Mr. Clayton is being reappointed.

TO BE A MEMBER OF THE EAST TEXAS STATE UNIVERSITY, BOARD OF
REGENTS, FOR A TERM TO EXPIRE FEBRUARY 15, 1995:

Kerry Noble Cammack
#4 Bedford Circle
Longview, Texas 75601

Mr. Cammack will be replacing Leon Jackson Coker, Jr., of Texarkana whose term expired.

TO BE A MEMBER OF THE UPPER COLORADO RIVER AUTHORITY,
BOARD OF DIRECTORS, FOR A TERM TO EXPIRE FEBRUARY 1, 1995:

Mr. Douglas James Rogers
22 Terrace Drive
San Angelo, Texas 76903

Mr. Rogers is being reappointed.

TO BE MEMBERS OF THE ADVISORY COUNCIL ON COMMUNITY
AFFAIRS, FOR TERMS TO EXPIRE JANUARY 31, 1991:

Mr. Arthur Lynn Hahn
Box 71
Doss, Texas 78618

Mr. Hahn is being reappointed.

Ms. Estella Lane Trevino
P.O. Box 757
Edinburg, Texas 78540

Ms. Trevino is being reappointed.

Mr. Edward L. Garner
1110 Dessen
Spearman, Texas 79081

Mr. Garner is being reappointed.

Mr. Matthew Washington
18 Wellington Court
Missouri City, Texas 77459

Mr. Washington is being reappointed.

TO BE MEMBERS OF THE TEXAS BOARD OF CORRECTIONS, FOR A
TERM TO EXPIRE FEBRUARY 15, 1993:

Mr. James Marion Eller
1317 Brookhollow Way
Bryan, Texas 77805

Mr. Eller is being reappointed.

FOR TERMS TO EXPIRE FEBRUARY 15, 1995:

Mr. Allan Bruce Polunsky
11654 Elm Ridge Road
San Antonio, Texas 78230

Mr. Polunsky is being reappointed.

Mr. Jerry H. Hodge
32 Oldham Circle
Amarillo, Texas 79109

Mr. Hodge is being reappointed to the Board in a new position, replacing Deralyn Davis of Fort Worth whose term expired.

TO BE A MEMBER OF THE INTERAGENCY COUNCIL ON EARLY
CHILDHOOD INTERVENTION SERVICES, FOR A TERM TO EXPIRE
FEBRUARY 1, 1991:

Ms. Janet D. Holliday
110 Kennedy Avenue #1
San Antonio, Texas 78209

Ms. Holliday is being reappointed.

Respectfully submitted,

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
January 27, 1989

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
SEVENTY-FIRST LEGISLATURE, REGULAR SESSION:

Pursuant to Article III, Section 5 of the Texas Constitution, I hereby designate as an emergency matter legislation relating to broadening the scope and powers of the Texas National Research Laboratory Commission.

Respectfully submitted,

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

MESSAGE FROM THE SUPREME COURT OF TEXAS

The following Message from the Supreme Court of Texas was read and was referred to the Committee on Nominations:

January 23, 1989

To the Senate of the Seventy-first Texas Legislature:

The Supreme Court has made the following appointments which require the advice and consent of the Senate:

To the State Commission on Judicial Conduct:

Judge Homer Salinas 92nd District Court Edinburg, Texas, for a six-year term to expire November 19, 1993.

To the Board of Directors of the State Bar of Texas:

Dr. Joseph S. Beneke of Spring, for a term of three years, expiring in 1990.

Mr. Earl William Chapman of Austin, for a term of three years, expiring in 1991.

Mrs. Sarilee Ferguson of Waco, for a term of three years, expiring in 1991.

The advice, consent and confirmation of the Senate is requested.

Sincerely,

/s/Thomas R. Phillips
Thomas R. Phillips
Chief Justice

GUEST PRESENTED

Senator Glasgow was recognized and presented Dr. D. Brett Mitchell of Benbrook.

The Senate welcomed Dr. Mitchell, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for his contributions today.

COMMITTEE SUBSTITUTE SENATE RESOLUTION 25

The President laid before the Senate the following resolution: (Having been set on Wednesday, January 25, 1989, as special order for today at the conclusion of morning call)

BE IT RESOLVED by the Senate of the State of Texas, That the following rules be and are hereby adopted as the Permanent Rules of the 71st Legislature:

RULES OF THE SENATE**ARTICLE I****SENATE OFFICERS AND ELECTIONS****PRESIDING OFFICER OF THE SENATE**

Rule 1.01. The Lieutenant Governor of the State of Texas shall by virtue of office be President of the Senate (Constitution, Article IV, Section 16) and decide all questions of order subject to appeal by any member. The President shall have control of such parts of the Capitol as have been or may be set apart for the use of the Senate and its officers. The President shall have the right to name a member to perform the duties of the chair, but such substitution shall not extend beyond such time as a majority of the Senators present vote to elect another member to preside,

and if a majority of the Senators present so vote, the member called to the chair by the Lieutenant Governor or by the President Pro Tempore of the Senate shall vacate the chair, and the member elected by a majority shall preside until the Lieutenant Governor or President Pro Tempore shall take the gavel and preside. (Constitution, Article III, Section 9) (Former Rule 5)

PRESIDENT PRO TEMPORE

Rule 1.02. The Senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one of its members President Pro Tempore, who shall perform the duties of Lieutenant Governor in any case of absence or disability of the Lieutenant Governor. (Constitution, Article III, Section 9) (Former Rule 6)

VACANCY IN THE OFFICE OF LIEUTENANT GOVERNOR

Rule 1.03. If the office of Lieutenant Governor becomes vacant, the President Pro Tempore of the Senate shall convene the Committee of the Whole Senate within 30 days after the vacancy occurs. The Committee of the Whole Senate shall elect one of its members to perform the duties of the Lieutenant Governor in addition to his duties as Senator until the next general election. If the Senator so elected ceases to be a Senator before the election of a new Lieutenant Governor, another Senator shall be elected in the same manner to perform the duties of the Lieutenant Governor until the next general election. Until the Committee of the Whole Senate elects one of its members for this purpose, the President Pro Tempore shall perform the duties of the Lieutenant Governor. (Constitution, Article III, Section 9, as amended November 6, 1984) (Former Rule 6)

OFFICERS OF THE SENATE

Rule 1.04. A Secretary, Journal Clerk, Calendar Clerk, Enrolling Clerk, Sergeant-at-Arms, Doorkeeper, Chaplain, and such other officers as a majority vote may determine to be necessary shall be elected at the opening of the session of the Legislature to continue in office until discharged by the Senate and shall perform such duties as may be incumbent upon them in their respective offices, under the direction of the Senate. Such officers may not be related to any current member of the Texas Legislature nor may any employee of the Senate be related to any current member of the Texas Legislature. The Secretary of the Senate shall, in addition to other duties, be responsible for the coordination of the other offices and divisions of the Senate. (Former Rule 7)

ELECTION OF OFFICERS

Rule 1.05. In all elections of the Senate, the vote shall be given viva voce, except in the election of officers of the Senate (Constitution, Article III, Section 41). A majority of the whole number of votes cast shall be necessary for a choice in all elections by the Senate. (Former Rules 34 and 35)

ARTICLE II

ADMISSION TO SENATE CHAMBER

ACCESS TO SENATE FLOOR

Rule 2.01. (a) The doors of the Senate shall be kept open, except when there is an executive session. (Constitution, Article III, Section 16) (Former Rule 8)

(b) It shall be the duty of the Sergeant-at-Arms and assistants to clear the Senate Chamber of all persons not entitled to the privilege thereof 30 minutes before the hour of the meeting of the Senate and for 30 minutes after each meeting of the Senate. (No Former Rule)

RESTRICTIONS ON ADMISSION

Rule 2.02. Persons hereinafter named and no others shall be admitted to the floor of the Senate while the Senate is in session provided that persons other than members of the Lieutenant Governor's family, a Senator's family, members of the House of Representatives of the State of Texas, and Sergeants-at-Arms of the Senate

shall be required to remain behind the brass rail: Members of the Senate and their families, the Secretary of the Senate and family, employees of the Senate and House of Representatives when on official business, Representatives, the Governor, the Governor's family and executive staff, the Lieutenant Governor and family, the President and Vice-President of the United States, United States Senators and members of Congress, Governors of other states, Justices of the Supreme Court, Judges of the Court of Criminal Appeals, the Secretary of State, and duly accredited newspaper reporters and correspondents and radio commentators and television camera operators and commentators who have complied with Rule 2.04. It shall be the special duty of the President to see that officers and employees remain upon the floor of the Senate only when actually engaged in the performance of their official duties. Such persons other than the Lieutenant Governor and members of the Senate shall not be permitted to work for or against any proposition before the Senate while on the floor. (Former Rule 64)

PERSONS LOBBYING NOT ADMITTED

Rule 2.03. (a) No newspaper reporter, or other person whosoever, whether a State officer or not, who is lobbying or working for or against any pending or prospective legislative measure, shall in any event be permitted upon the floor of the Senate when the Senate is in session.

(b) All officers and employees of the Senate are prohibited from lobbying in favor of or against any measure or proposition pending before the Senate, and should any officer or employee violate this rule, the same shall be cause for dismissal from the service of the Senate by the President. (Former Rule 64)

PRESS CORRESPONDENTS

Rule 2.04. While the Senate is in session, no person shall be admitted to the floor of the Senate or allowed its privileges as a press correspondent or radio commentator or television camera operator and commentator, unless said person is a regularly employed, salaried staff correspondent or reporter in the employ of a newspaper publishing general news, a press association serving newspapers, or a publication requiring telegraphic coverage or the person is a regularly employed, salaried employee of a duly licensed radio or television station.

Every newspaper reporter and correspondent and radio commentator and television camera operator and commentator, before being admitted to the Senate during its session, shall file with the Committee on Administration a written statement showing the paper or papers represented and certifying that no part of the person's salary or compensation is paid by any person, firm, corporation, or association except the paper or papers or radio station or television station represented. (Former Rule 64)

FORFEITURE OF ADMISSION PRIVILEGE

Rule 2.05. If any person admitted to the Senate under this article shall lobby or work for or against any pending or prospective legislation or shall violate any of the other rules of the Senate, the privileges extended to said person under this article shall be suspended by a majority of the Committee on Administration. The action of the committee shall be reviewable by the Senate only if two members of the committee request an appeal from the decision of the committee, which appeal shall be in the form of a minority report, and shall be subject to the same rules that are applicable to minority reports on bills. (Former Rule 64)

EXCEPTIONS

Rule 2.06. This article shall not apply to any person who is invited to address the Senate when in session or to any person who desires to appear before any committee while going to or returning from the session of said committee or to the Governor while delivering an official message. This article shall not apply during

the inauguration of the Governor and other public ceremonies provided for by resolution of the Senate. (Former Rule 64)

SUSPENSION OF ADMISSION RULE

Rule 2.07. It shall be in order for the President to entertain a request, motion, or resolution for the suspension of the Admission Rules or to present from the chair the request of any member for unanimous consent to suspend the Admission Rules. (Former Rule 64)

ARTICLE III SENATE DECORUM

PERSONS MUST BE PROPERLY ATTIRED IN SENATE CHAMBER

Rule 3.01. While the Senate is actually in session, no male Senator or Representative or any other male person shall come on the floor of the Senate without wearing a coat and tie. The Sergeant-at-Arms and doorkeepers are instructed to strictly enforce this rule, and only the President of the Senate may suspend the rule as to any person or to all persons, and that action to be taken in writing to the Sergeant-at-Arms. (Former Rule 66)

NO EATING OR DRINKING IN SENATE CHAMBER

Rule 3.02. No employee, Senator, Representative, or other person shall be allowed to eat or drink in the Senate Chamber proper at any time. The Sergeant-at-Arms shall strictly enforce this rule. (Former Rule 65)

MESSAGES TO MEMBERS

Rule 3.03. Messages or call slips shall not be delivered to members of the Senate when a roll call is in progress. Individuals desiring to pass a message to members of the Senate must sign their names to that message. (Former Rule 64)

POSTERS, PLACARDS, BANNERS, AND SIGNS

Rule 3.04. No poster, placard, banner, or other similar material shall be carried into the Senate by any person, and no person shall attach or affix any poster, placard, banner, sign, or other similar material to the walls, rails, seats, or bannisters of the Senate Chamber. This rule shall be strictly enforced. (No Former Rule)

APPLAUSE, OUTBURSTS, OR DEMONSTRATIONS

Rule 3.05. No applause, outburst, or other demonstration by any spectator shall be permitted during a session of the Senate. This rule shall be strictly enforced. (No Former Rule)

PUNISHMENT FOR OBSTRUCTING PROCEEDINGS

Rule 3.06. The Senate, during its sessions, may imprison for 48 hours, any person, not a member, for violation of the Senate rules, for disrespectful and disorderly conduct in its presence, or for obstructing any Senate proceeding. (Constitution, Article III, Section 15) (Former Rule 62)

ARTICLE IV DECORUM AND DEBATE OF MEMBERS OF THE SENATE

MEMBERS TO ADDRESS PRESIDENT

Rule 4.01. When a Senator is about to speak in debate or to communicate any matter to the Senate, the member shall rise in his or her place and address the President of the Senate. (Former Rule 54)

INTERRUPTION OF PRESIDENT

Rule 4.02. The President of the Senate shall not be interrupted while putting the question or addressing the Senate. (Former Rule 59)

INTERRUPTION OF MEMBER SPEAKING

Rule 4.03. No member shall interrupt another Senator who has the floor or otherwise interrupt the business of the Senate, except for the purpose of making a point of order, calling the member having the floor to order, moving the previous question, demanding that a point of order under discussion or consideration be

immediately decided, or making a motion to adjourn or recess. Though another member has the floor, any member shall be recognized by the presiding officer in order to call to order the member, to make a point of order, to move the previous question, or to demand that a point of order be immediately decided. A member who has the floor must yield to permit the Senate to receive messages from the Governor and from the House of Representatives and shall not lose the floor. A member who has the floor may yield for questions from other members and shall not lose the floor. In the event a member is interrupted because of a motion to adjourn or recess and the motion fails, the floor shall be immediately returned to the interrupted member. In the event the interrupted member was speaking under the previous question and a motion to adjourn or recess prevails, the member shall resume the floor and finish speaking when the bill is next considered by the Senate. (Former Rule 60)

RECOGNITION OF MEMBERS IN DEBATE

Rule 4.04. When two or more members rise at once, the presiding officer shall decide which one shall speak first, but from the presiding officer's decision an appeal without debate may be taken to the Senate by any member. (Former Rule 55)

SPEAKING MORE THAN ONCE IN SINGLE DEBATE

Rule 4.05. No member shall speak more than once in any one debate until every member desiring to do so shall have spoken and no member shall speak more than twice in any one debate without leave of the Senate. (Former Rule 56)

MEMBER CALLED TO ORDER

Rule 4.06. When a member shall be called to order by the President or by a Senator, the member shall sit down and not be allowed to speak, except to the point of order, until the question of order is decided. If the decision be in the member's favor, the member shall be at liberty to proceed; if otherwise, the member shall not proceed without leave of the Senate. (Former Rule 57)

REFUSAL OF MEMBER CALLED TO ORDER TO BE SEATED

Rule 4.07. Whenever a member is called to order by the President of the Senate or by the presiding officer then in the chair in accordance with Rule 4.06 and such member fails to sit down and be in order but continues disorderly, it shall be the duty of the Sergeant-at-Arms and/or the Sergeant's assistants upon the direction of the presiding officer to require such recalcitrant member to take his or her seat and be in order. Any member who persists in disorderly conduct after being warned by the presiding officer may, by motion duly made and carried by two-thirds vote of the members present, be required to purge himself or herself of such misconduct. Until such member has purged himself or herself of such misconduct, the member shall not be entitled to the privileges of the floor. (Former Rule 58)

REMOVAL OF SENATOR FROM CHAIR

Rule 4.08. If any Senator, other than the regularly elected President Pro Tempore, be presiding and fails or refuses to recognize any Senator to make a motion that is in order or raise a point of order that it is in order to raise, to entertain an appeal from his or her decision, to put such question to the Senate, to recognize any Senator to demand that a point of order under discussion be immediately decided, or to put the question, if seconded by 10 Senators, "Shall the point of order be now decided?" such Senator so offending shall be deemed guilty of violating the high privileges of the Senate. Until such offending Senator shall purge himself or herself of such contempt and be excused by the Senate, the member shall not again be called to the chair during the session. If such Senator so presiding shall refuse to recognize any Senator when addressed in proper order or to entertain the motion, the point of order, or appeal of any Senator or to pass upon the same or to recognize a Senator to make the demand when seconded by 10 Senators that a point of order under discussion be immediately decided, then the Senator seeking recognition may

rise in his or her seat and without recognition read a written demand upon the Senator presiding, provided the same is signed by a majority of the Senators present, and if the Senator presiding persists in refusal, then any number of Senators constituting a majority of the Senators present may present such written demand to the Sergeant-at-Arms or an Assistant Sergeant-at-Arms, and such written demand shall be a full and sufficient warrant for arrest, empowering such officer or assistant to arrest the Senator so presiding, eject him or her from the chair, and retain him or her under arrest until released by order of the Senate.

Should the Sergeant-at-Arms or the Assistant Sergeants-at-Arms fail or refuse to act and carry out such demand, they shall be removed from office on a majority vote of the Senate.

When such Senator is removed as aforesaid and the chair remains vacant, the Secretary shall call the Senate to order, and a President Pro Tempore ad interim shall be elected to preside until the Lieutenant Governor or a regularly elected President Pro Tempore shall appear and take the gavel.

As soon as order is restored, the chair shall cause a record of the fact of removal to be made. (Former Rule 53)

PUNISHMENT FOR MISCONDUCT

Rule 4.09. The Senate may punish any member for disorderly conduct and, with the consent of two-thirds of the elected members, may expel a member, but not a second time for the same offense. (Former Rule 61)

BRIBERY

Rule 4.10. Any member who shall receive or offer a bribe or who shall suffer his or her vote to be influenced by promise or preferment of reward shall on conviction be expelled. (Former Rule 63) (Also see Section 36.02, Texas Penal Code)

ARTICLE V

SENATE PROCEDURAL RULES (ORDER OF BUSINESS)

PRESIDING OFFICER TO ASSUME CHAIR

Rule 5.01. The presiding officer shall take the chair at the hour to which the Senate last adjourned. (Former Rule 9)

QUORUM

Rule 5.02. Two-thirds of all the Senators elected shall constitute a quorum, but a smaller number may adjourn or recess from day to day and compel the attendance of absent members (Constitution, Article III, Section 10). In case a less number shall convene, the members present may send the Sergeant-at-Arms or any other person or persons for any or all absent members. (Former Rules 1 and 2)

ABSENCES

Rule 5.03. No member shall absent himself or herself from the sessions of the Senate without leave unless the member be sick or unable to attend. (Former Rule 3)

CALL OF THE SENATE

Rule 5.04. It shall be in order to move a call of the Senate at any time to secure, to maintain, or to secure and maintain a quorum for the following purposes:

- (1) for the consideration of a specific bill, resolution, or other measure;
- (2) for a definite period of time or for the consideration of any particular class of bills.

When a call of the Senate is moved for one of the above purposes and seconded by five members and ordered by a majority of those present, the Doorkeeper shall close the main entrance to the floor of the Senate. All other doors leading from the floor of the Senate shall be locked, and no member be permitted to leave the Senate without written permission of the presiding officer until after the subject matter

upon which the call was ordered has been disposed of. The Secretary shall call the roll of members and note the absentees. Those for whom no sufficient excuse is made, by order of the majority of those present, may be sent for and arrested wherever they may be found and their attendance secured and retained by the Sergeant-at-Arms or officers appointed by the Sergeant for that purpose. The Senate shall determine upon what conditions they shall be discharged. Members who voluntarily appear shall, unless the Senate otherwise directs, be immediately admitted to the floor of the Senate, and they shall report their names to the Secretary to be entered upon the journal as present. Until a quorum appears, should the roll call fail to show one present, no business shall be done except to compel the attendance of absent members or to adjourn.

When a quorum is shown to be present, the Senate may proceed with the matters upon which the call was ordered or may enforce and await the attendance of as many of the absentees as it desires to have present. If the Senate decides to proceed, the Sergeant-at-Arms shall not be required to bring in other absentees unless so ordered by a majority vote of the Senate. (Former Rule 4)

ROLL CALL

Rule 5.05. Upon every roll call the names of the members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the county shall be added. (Former Rule 4)

PRAYER BY CHAPLAIN

Rule 5.06. When there is a quorum present, prayer shall be offered by the Chaplain or other person designated by the President of the Senate. (Former Rule 10)

READING OF JOURNAL

Rule 5.07. After the prayer, the journal of the preceding day shall be read and corrected, if necessary. (Former Rule 10)

MORNING CALL

Rule 5.08. The President then shall call:

- (1) for petitions and memorials;
- (2) for reports from standing committees;
- (3) for reports from select committees;
- (4) for Senate bills on first reading and referral to committee;
- (5) for introduction of resolutions;
- (6) for messages and executive communications;
- (7) for motions to print on minority reports;
- (8) for other motions not provided herein, including but not limited

to motions to set a bill for special order, to reconsider, to print and not print bills, to refer bills, to concur in House amendments to Senate bills, to not concur in House amendments to Senate bills, to request the appointment of conference committees, and to adopt conference committee reports.

This concludes the morning call, which the President shall announce to the Senate.

It shall not be in order, during the morning call, to move to take up a bill or resolution out of its regular order, and the presiding officer shall not recognize any Senator for the purpose of making any such motion or making a motion to suspend this rule. (Former Rule 11)

ORDER OF CONSIDERING BILLS AND RESOLUTIONS

Rule 5.09. At the conclusion of the morning call, the Senate shall proceed to consider business on the President's table, which shall be disposed of in the following order:

- (1) special orders;
- (2) unfinished business;

- (3) Senate Joint Resolutions;
- (4) Senate Resolutions;
- (5) Senate Concurrent Resolutions;
- (6) Senate bills on third reading;
- (7) Senate bills on second reading;
- (8) House Joint Resolutions;
- (9) House bills on third reading;
- (10) House bills on second reading;
- (11) House Concurrent Resolutions.

The above order is for Senate bill days, except as modified by the Joint Rules. (Former Rule 12)

HOUSE BILL DAYS

Rule 5.10. After the morning call has been concluded on calendar Wednesday and calendar Thursday of each week, House Joint Resolutions and House bills on special order and on third and second readings, respectively, and House Concurrent Resolutions shall be taken up and considered until disposed of; provided in case one should be pending at adjournment on Thursday, it shall go over until the succeeding calendar Wednesday as unfinished business. (Former Rule 13)

SPECIAL ORDERS

Rule 5.11. Any bill, resolution, or other measure may on any day be made a special order for a future time of the session by an affirmative vote of two-thirds of the members present.

A special order shall be considered at the time for which it is set and considered from day to day until disposed of, unless at the time so fixed there is pending business under a special order, but such pending business may be suspended by a two-thirds vote of all the members present. If a special order is not reached or considered at the time fixed, it shall not lose its place as a special order. All special orders shall be subject to the Joint Rules and Senate Rule 5.10. (Former Rule 14)

REGULAR ORDER OF BUSINESS

Rule 5.12. (a) Bills and resolutions shall be considered on second reading and shall be listed on the daily calendar of bills and resolutions on the President's table for second reading in the order in which the committee reports on them are submitted to the Senate. (Former Rule 91)

(b) Bills and resolutions shall be considered on third reading in the order in which they were passed on second reading.

SUSPENSION OF THE REGULAR ORDER OF BUSINESS

Rule 5.13. No bill, joint resolution, or resolution affecting state policy may be considered out of its regular calendar order unless the regular order is suspended by a vote of two-thirds of the members present. (Former Rule 14.2)

INTENT CALENDAR

Rule 5.14. (a) During a regular session of the Legislature, any member who desires to suspend the regular order of business and take up a bill, joint resolution, or resolution out of its regular order shall give written notice of such intent to the Secretary of the Senate not later than 4:00 p.m. on the last preceding calendar day that the Senate was in session. The Secretary shall provide forms for this purpose. Notice must be given from day to day. No member may give notice on more than three bills or resolutions prior to May 1 or on more than five bills or resolutions on or after May 1.

(b) The Secretary shall prepare a list of all legislation for which notice has been given. The list must be made available to each member of the Senate and to the press no later than 6:30 p.m. on the day the notice is filed.

(c) No provision of this rule may be suspended except by vote of four-fifths of the members present. (Former Rule 14.2)

RULINGS BY PRESIDENT

Rule 5.15. Every question of order shall in the first instance be decided by the President, from whose decision any member may appeal to the Senate. Rulings which set or alter precedent shall be printed as an annotation to the rules. (Former Rule 15)

**ARTICLE VI
MOTIONS****MOTIONS AND THEIR PRECEDENCE**

Rule 6.01. When a question is under consideration by the Senate, no motion shall be made except:

- (1) to fix the day to which the Senate shall adjourn or recess;
- (2) to adjourn or recess;
- (3) to proceed to the transaction of executive business;
- (4) the previous question;
- (5) to lay on the table;
- (6) to lay on the table subject to call;
- (7) to postpone to a time certain;
- (8) to commit;
- (9) to amend;
- (10) to postpone indefinitely.

These several motions have precedence in the order named. It shall be in order to make any number of the above motions before any vote is taken, but the votes shall be taken on all such motions made in the order of the precedence above stated. (Former Rule 16)

LIMITATION OF DEBATE ON MOTIONS

Rule 6.02. No debate shall be allowed on a motion to lay on the table, for the previous question, or to adjourn or recess; provided, however, that the author of a measure or whichever one of the several authors of the same may be by them selected so to do shall have the right, when a motion to lay on the table shall have been made, to close the debate, which privilege the member may yield to any other Senator subject to all of the Rules of the Senate. (Former Rule 17)

WRITTEN MOTIONS

Rule 6.03. All motions shall be reduced to writing and read by the Secretary, if desired by the presiding officer or any Senator present. (Former Rule 18)

WITHDRAWAL OF MOTION

Rule 6.04. After a motion has been stated by the President or read by the Secretary, it shall be deemed to be in possession of the Senate, but it may be withdrawn at any time before it has been amended or decided. (Former Rule 19)

MOTIONS TO FIX SUM OR STATE TIME

Rule 6.05. On a motion to fix a sum or state a time, the largest sum and the longest time shall have precedence. (Former Rule 20)

DIVISION OF QUESTION

Rule 6.06. Any member may have the question before the Senate divided, if it be susceptible of a division, into distinct questions. On a motion to strike out and insert, it shall not be in order to move for a division of the question, and the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition or prevent a subsequent motion simply to strike out. The rejection of a motion simply to strike out shall not prevent a subsequent motion to strike out and insert. (Former Rule 21)

MOTION TO TABLE

Rule 6.07. A motion to table shall only affect the matter to which it is directed, and a motion to table an amendment shall never have the effect of tabling the entire measure. (Former Rule 21)

MOTIONS TO REFER OR COMMIT

Rule 6.08. Any bill, petition, or resolution may be referred from one committee or subcommittee to another committee or subcommittee by a two-thirds vote of the members present and voting. Any bill, petition, or resolution may be committed to any committee or subcommittee at any stage of the proceedings on such bill, petition, or resolution by a majority vote of the elected members of the Senate. A bill or joint resolution committed to a committee or subcommittee while on third reading shall be considered as on its second reading if reported favorably back to the Senate.

When several motions shall be made for reference of a subject to a committee, they shall have preference in the following order:

First: To a Committee of the Whole Senate

Second: To a standing committee

Third: To a standing subcommittee

Fourth: To a select committee. (Former Rule 92)

PREVIOUS QUESTION

Rule 6.09. Pending the consideration of any question before the Senate, any Senator may call for the previous question, and if seconded by five Senators, the presiding officer shall submit the question: "Shall the main question be now put?" If a majority of the members present and voting are in favor of it, the main question shall be ordered, the effect of which shall be to cut off all further amendments and debate and bring the Senate to a direct vote—first upon pending amendments and motions, if there be any, then upon the main proposition. The previous question may be ordered on any pending amendment or motion before the Senate as a separate proposition and be decided by a vote upon said amendment or motion. (Former Rule 51)

RECONSIDERATION

Rule 6.10. After a question shall have been decided, either in the affirmative or negative, any member voting with the prevailing side may, at any time on the same legislative day in which the vote was taken or on the next legislative day, move the reconsideration thereof. When a bill, resolution, report, amendment, order, or message upon which a vote was taken shall have gone out of the possession of the Senate and have been delivered to the House of Representatives or to the Governor, the motion to reconsider shall be accompanied by a motion to request the House or the Governor to return same, which last motion shall be acted upon, and if determined in the negative shall be a final disposition of the motion to reconsider. If the motion to request the House to return same is successful, the motion to reconsider shall then be acted upon and if sustained, the bill, resolution, report, amendment, order, or message upon which the vote was taken and which vote was reconsidered shall be placed upon the calendar as unfinished business and may be called up on the first appropriate day on or after the return of same to the possession of the Senate. (Former Rule 23)

SPREADING MOTION TO RECONSIDER ON JOURNAL

Rule 6.11. At any time before the expiration of the next legislative day following that on which the vote was taken, a motion to reconsider a vote may be made by any Senator who is permitted by Rule 6.10 to make it, and the maker of the motion may accompany it with a request that it be spread on the journal to be called up and acted on at a later time, which request shall be granted unless another Senator demands immediate action thereon. In case a motion to reconsider that has been spread upon the journal is not called up to be acted on by the Senate within five legislative days after it has been made, it shall not thereafter be called up or acted upon. Any such motion that has been made during the last six days of the session that has not been called up before the final 24 hours of the session shall not

thereafter be called up or acted upon by the Senate. In all cases, a motion to reconsider shall be decided by a majority vote. (Former Rule 24)

DEMAND FOR IMMEDIATE RULING

Rule 6.12. Pending the consideration or discussion of any point of order before the presiding officer and the Senate, or either, any Senator may demand that the point of order be immediately decided, and if seconded by 10 Senators, the presiding officer shall submit the question: "Shall the point of order be now decided?" If a majority vote in favor of it, the point of order shall immediately be decided by the presiding officer, and if an appeal from the presiding officer's decision is taken, the appeal shall be immediately decided by the Senate without debate. (Former Rule 52)

SUSPENSE WITH READING OF PAPERS

Rule 6.13. When the reading of a paper is called for and the same is objected to by any member, it shall be determined by a majority vote of the Senate and without debate. (Former Rule 25)

MODE OF STATING AND VOTING UPON QUESTIONS

Rule 6.14. All questions shall be distinctly put by the President and the members shall signify their assent or dissent by answering "yea" or "nay." (Former Rule 26)

CALLS FOR YEAS AND NAYS REQUIRED

Rule 6.15. (a) Upon the final passage of all amendments proposed to the Constitution, all bills appropriating money or lands for any purpose, and all questions requiring a vote of two-thirds of the members elected, the presiding officer shall call for the yeas and nays, and they shall be entered in the journal. Upon all other questions requiring a vote of two-thirds of the members present, including a motion to suspend the rules, the presiding officer shall determine if there is objection and, if so, call for the yeas and nays, but they shall not be entered into the journal unless required under Subsection (b) of this rule. If no objection is made, the journal entry shall reflect a unanimous consent vote of the members present without necessity of a roll call of yeas and nays. (Former Rule 82)

(b) At the desire of any three members present, the yeas and nays shall be entered on the journal, and the names of the members present and not voting shall be recorded immediately after those voting in the affirmative and negative, and such members shall be counted in determining the presence of a quorum. (Constitution, Article III, Section 12) (Former Rule 29)

MEMBERS REFUSING TO ANSWER RECORDED PRESENT

Rule 6.16. Upon a roll call of the Senate, should any member who is on the floor of the Senate fail or refuse to answer the call of the roll, the Secretary of the Senate shall, under the direction of the President of the Senate, record such member as present. (Former Rule 30)

PAIRED VOTES

Rule 6.17. If a member who is absent desires to be recorded on a pending question, the member may cast a paired vote by signing a pair slip which indicates the member's "yea" or "nay" vote with a member who is present and casting an opposite vote, if the member who is present so desires. Pair slips must be signed by both the absent and present member and filed with the Secretary of the Senate before the vote. The paired votes of the present and absent members shall be recorded as an expression of opinion on the matter considered but shall not be counted in the total of votes for or against the measure or motion. However, the member present shall be counted to make a quorum. (Former Rule 29)

LIEUTENANT GOVERNOR TO GIVE CASTING VOTE

Rule 6.18. If the Senate be equally divided on any question, the Lieutenant Governor, if present, shall give the casting vote. (Constitution, Article IV, Section 16) (Former Rule 27)

EFFECT OF TIE VOTE WHEN LIEUTENANT GOVERNOR ABSENT

Rule 6.19. If the Senate is equally divided on any question when the Lieutenant Governor is not present, such question or motion shall be lost. (Former Rule 28)

VETOED BILLS

Rule 6.20. A vote of two-thirds of all members elected to the Senate shall be required for the passage of House bills that have been returned by the Governor with his objections, and a vote of two-thirds of the members of the Senate present shall be required for the passage of Senate bills that have been returned by the Governor with his objections. (Constitution, Article IV, Section 14) (Former Rule 31)

ADJOURNMENT

Rule 6.21. A motion to adjourn or recess shall always be in order and shall be decided without debate, and the Senate may adjourn or recess while operating under the previous question. (Former Rule 49)

ADJOURNMENT OF SENATE FOR MORE THAN THREE DAYS

Rule 6.22. The Senate shall not adjourn or recess for more than three days or to any other place than that in which it may be sitting, without the concurrence of the House of Representatives. (Constitution, Article III, Section 17) (Former Rule 49)

ARTICLE VII**INTRODUCTION AND PASSAGE OF BILLS****CUSTODIAN OF BILLS AND RESOLUTIONS**

Rule 7.01. The Calendar Clerk shall be the official custodian of the bills and resolutions pending in the Senate, and the same may not be withdrawn from the custody of such clerk without the consent of the Senate. (Former Rule 85)

CAPTION RULE

Rule 7.02. Each bill must include a caption beginning with the words "A Bill to be Entitled an Act" to be followed by a brief statement that gives the Legislature and the public reasonable notice of the subject of the proposed measure. (Constitution, Article III, Sections 29 and 35) (Former Rule 72(a))

ANNOUNCEMENT OF STAGE OF BILL

Rule 7.03. The President shall, at each reading, announce whether the bill originated in the Senate or House of Representatives and whether it be the first, second, or third reading. (Former Rule 69)

FILING BILLS

Rule 7.04. (a) Beginning the first Monday after the general election preceding the next regular legislative session or within 30 days prior to any special session, it shall be in order to prefile with the Secretary of the Senate bills for introduction in that session.

(b) During the session bills may be filed for introduction with the Secretary at any time.

(c) Upon receipt of the bills the Secretary of the Senate shall number them and make them a matter of public record, available for distribution. Once a bill has been filed it may not be recalled. (Former Rules 70 and 86)

INTRODUCTION AND FIRST READING OF BILLS

Rule 7.05. (a) A bill filed with the Secretary of the Senate shall be read on first reading at the appropriate point in the morning call during the next legislative day after the bill has been filed.

(b) The first reading of a bill, if a Senate bill, shall be the reading thereof when first introduced; if a House bill, the reading thereof when submitted to the Senate. (Former Rules 70 and 86)

REFERRAL OF BILLS

Rule 7.06. (a) All House and Senate bills will be referred to a proper committee not later than the next legislative day after introduction.

(b) No action shall be taken on a bill accepting, rejecting, or amending it until the bill has been reported on by a committee. (Former Rules 70 and 86)

LIMITATIONS ON INTRODUCTION

Rule 7.07. (a) A bill may be introduced at any time during the first 60 calendar days of the regular session and may be referred to the proper committee and disposed of under the rules of the Senate. (No Former Rule)

(b) Except as provided in Rule 7.08, no bill shall be introduced after the first 60 calendar days of the session. This provision may only be suspended by an affirmative vote of four-fifths of the members of the Senate. (Former Rule 87)

CONSIDERATION OF EMERGENCY MATTERS

Rule 7.08. At any time during the session, resolutions, emergency appropriations, emergency matters specifically submitted by the Governor in special messages to the Legislature, and local bills (as defined in Rule 9.01) may be filed with the Secretary of the Senate, introduced and referred to the proper committee, and disposed of under the rules of the Senate. (Former Rule 86)

ACTUARIAL ANALYSES

Rule 7.09. (a) Except as otherwise provided by this section, a bill or joint resolution that proposes to change benefits or participation in benefits of a public retirement system or that otherwise would change the financial obligations of a public retirement system must have, in addition to any fiscal note required under Rule 7.10, an actuarial analysis prepared in compliance with this section, together with a statement prepared by the State Pension Review Board reviewing the actuarial analysis and commenting on the legislation attached to the bill or resolution before a committee hearing may be held on it and attached to the bill or resolution on first printing.

(b) An actuarial analysis is not required for the general appropriations bill, a bill or resolution that would change the financial obligations of a retirement system only by modifying the compensation of members of the system or modifying the administrative duties of the system, or a bill or resolution that would change the financial obligations of a retirement system only by imposing an expense on the system in the same manner that the expense is imposed on other agencies or units of government.

(c) In this rule, "public retirement system" means a continuing, organized program of service retirement, disability retirement, or death benefits for officers or employees of the state or a political subdivision but does not include a program for which benefits are administered by a life insurance company, a program providing only workers' compensation benefits, or a program administered by the federal government.

(d) An actuarial analysis must show the economic effect of the proposed bill or resolution on the public retirement system, including a projection of the annual actuarial cost or liability imposed by the proposal on the affected system, the effect of the legislation on the amortization schedule for liabilities of the system assuming various levels of payroll increases, and the estimated dollar change in the unfunded liability of the system. If the bill or resolution applies to more than one public

retirement system, the projections in the analysis may be limited to each affected statewide public retirement system and each affected system in a city having a population of 200,000 or more, according to the results of the most recent decennial census.

(e) An actuarial analysis must state the actuarial assumptions and methods of computation used in the analysis and, using an advanced funding actuarial cost method, must state whether or not the bill or resolution, if it becomes law, will make the affected public retirement system actuarially unsound or, in the case of a system already actuarially unsound, more unsound. The actuarial information in an actuarial analysis must be prepared by an actuary who has at least five years of experience working with one or more public retirement systems and who is a fellow of the Society of Actuaries, a member of the American Academy of Actuaries, or an enrolled actuary under the federal Employees Retirement Income Security Act of 1974. An actuarial analysis must contain a certification by the actuary that the contents of the analysis fulfill the requirements of this rule. The actuary may include an explanation or description of the actuarial information contained in the analysis.

(f) As soon as practicable after a bill or joint resolution is referred to a standing committee, the committee chair shall determine whether or not an actuarial analysis is required. If the chair determines that an actuarial analysis is required, the chair shall send a copy of the bill or resolution, with actuarial analysis attached, to the State Pension Review Board with a request that a review of the actuarial analysis and comment on the legislation be prepared and sent to the committee. The executive director of the State Pension Review Board shall return a copy of the actuarial analysis, together with the board's statement of review and comment, to the committee that requested it, to the author or sponsor of the affected bill or resolution, and to the Legislative Budget Board.

(g) Once a bill or resolution has been referred to the State Pension Review Board, a committee hearing on the bill may proceed as long as any actuarial analysis, statement of review, or comment that is available to the committee at the time is attached.

(h) If a bill or resolution for which an actuarial analysis is required is amended by a committee in a way that alters its economic implications, the chair of the committee shall request the State Pension Review Board to obtain an updated actuarial analysis. If timely received, an updated actuarial analysis and updated review and comment by the State Pension Review Board must be attached to the affected bill or resolution as a part of the committee report. All actuarial analyses and statements of review and comment timely received must remain with the bill or resolution throughout the legislative process, including the process of submission to the Governor. (Former Rule 94.2)

FISCAL NOTES

Rule 7.10. (a) Any bill or joint resolution which authorizes or requires the expenditure or diversion of any state funds for any purpose, except the general appropriations bill, shall have a fiscal note signed by the director of the Legislative Budget Board attached to the bill or resolution, outlining the fiscal implications and probable cost of the measure each year for the first five years after its passage and a statement as to whether or not there will be a cost involved thereafter. The fiscal note shall include the number of additional employees considered in arriving at the probable cost.

(b) Any bill or joint resolution that has statewide impact on units of local government of the same type or class and that authorizes or requires, presently or in the future, the expenditure or diversion of local funds or that proposes any new local tax, fee, license charge, or penalty or any increased or decreased local tax, fee, license charge, or penalty shall have a fiscal note signed by the director of the Legislative Budget Board attached to the bill or resolution, outlining the fiscal

implications and probable cost of the measure to the affected unit or units of local government each year for the first five years after its passage and a statement as to whether or not there will be a cost involved thereafter. This requirement shall not apply to any local or special bill affecting only one unit of government.

(c) In Subsection (b) of this rule, "unit of local government" means county, city, town, school district, conservation district, hospital district, or any other political district.

(d) In preparing a fiscal note, the director of the Legislative Budget Board may utilize information or data supplied by any person, agency, organization, or governmental unit the director deems reliable and, if so, may state the source or sources of the information or data used and the extent to which the director relied on the information or data in preparing the fiscal note. If the director determines that the fiscal implications of the bill or resolution cannot be ascertained or that the bill or resolution authorizes an unlimited expenditure or diversion of funds for any period to which the fiscal note applies, the director shall so state in the fiscal note, in which case the fiscal note shall be in full compliance with this rule.

(e) It shall be the duty of the chair of each standing committee, immediately after the bill or resolution has been referred to the standing committee, to determine whether or not a fiscal note is required and, if so, to send a copy of the bill or resolution to the Legislative Budget Board with a request for the preparation of a fiscal note. The Legislative Budget Board shall forward a copy of each fiscal note to the chair and the author or sponsor of the affected bill or resolution. The fiscal note shall be attached to the affected bill or resolution before a committee hearing can be conducted.

(f) In the event a bill or resolution is amended by the committee so as to alter its fiscal implications, either an updated fiscal note or statement prepared by the author, whichever is applicable, shall be obtained by the chair and attached to the bill or resolution as a part of the committee report. All fiscal notes or author's statements, original and updated, shall remain with the bill or resolution throughout the entire legislative process, including submission to the Governor. (Former Rule 94.3)

FORMAT OF BILLS AND RESOLUTIONS REPORTED BY COMMITTEES

Rule 7.11. (a) A committee may not report a bill or resolution to the Senate unless the bill or resolution complies with Subsection (b) of this rule.

(b) In any section of a bill or joint resolution that proposes to amend an existing statute or constitutional provision, language sought to be deleted must be bracketed and stricken through, and language sought to be added must be underlined. This requirement does not apply to:

- (1) an appropriation bill;
- (2) a local bill;
- (3) a recodification bill;
- (4) a redistricting bill;
- (5) a section of a bill or joint resolution not purporting to amend an existing statute or constitutional provision;
- (6) a section of a bill or joint resolution that revises the entire text of an existing statute or constitutional provision, to the extent that it would confuse rather than clarify to show deletions and additions; and
- (7) a section of a bill or joint resolution providing for severability, nonseverability, emergency, or repeal of an existing statute or constitutional provision.

(c) The President may overrule a point of order raised as to a violation of Subsection (b) of this rule if the violation is typographical or minor and does not tend to deceive or mislead. (Former Rule 94.4)

COMMITTEE SUBSTITUTE BILLS

Rule 7.12. A committee may adopt and report a complete germane committee substitute containing the caption, enacting clause, and text of a bill or resolution in lieu of the original, in which event the complete substitute bill or resolution shall be laid before the Senate and shall be the matter before the Senate for its consideration instead of the original. If the substitute is defeated at any legislative stage, the bill or resolution is considered not passed. (Former Rule 84)

PRINTING OF BILLS

Rule 7.13. Every general bill reported favorably from a Senate committee shall be printed, unless the Senate on the same day it is reported or on the next legislative day shall order it not printed. Each local bill shall be printed, unless the committee reporting it recommends that it not be printed, in which case the committee's recommendations shall be effective as an order of the Senate that the bill be not printed. A list of all bills ordered not printed by the Senate or ordered not printed by committee recommendation shall be listed by number, author, and caption and distributed to each member at the close of each day's business. Copies of all bills printed shall be placed on the desks of Senators on the same day the printed copies are delivered by the printer. No bill except local bills and except general bills that have been ordered not printed by the Senate shall be considered by the Senate until a printed copy thereof has been on the desk of each Senator at least 24 hours. (Former Rule 74)

SUSPENSION OF RULE LIMITING**CONSIDERATION OF BILLS**

Rule 7.14. Except as otherwise provided in Rule 7.08, bills shall not be taken up, considered, or acted upon by the Senate during the first 60 calendar days of the session, unless this rule be suspended by the affirmative vote of four-fifths of the members of the Senate. (Former Rule 89)

**CONSIDERATION OF HOUSE BILL IN LIEU OF SENATE BILL
ON SAME SUBJECT**

Rule 7.15. When any Senate bill shall be reached on the calendar or shall be before the Senate for consideration, it shall be the duty of the President to give the place of such bill on the calendar to any House bill which has been referred to and reported from a committee of the Senate containing the same subject or to lay such House bill before the Senate to be considered in lieu of such Senate bill. (Former Rule 67)

GERMANENESS

Rule 7.16. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or as a substitute for the motion or proposition under debate. (Constitution, Article III, Section 30) (Former Rule 72(b))

AMENDMENTS TO TAX BILLS

Rule 7.17. No amendment shall be offered to any tax bill on second reading unless the subject matter it entails has been discussed at a Senate committee meeting at which the bill was heard. (Former Rule 72.1)

**MOTION TO PASS A BILL TO SECOND READING IS NOT
NECESSARY**

Rule 7.18. No motion shall be necessary to pass a bill to its second reading. The main question on the second reading of the bill shall be, if a Senate bill, "Shall this bill be engrossed and passed to a third reading?" and if it be a House bill, "Shall this bill pass to a third reading?" (Former Rule 71)

READING OF BILL ON THREE SEVERAL DAYS

Rule 7.19. No bill shall have the force of a law until it has been read on three several days in each House and free discussion allowed thereon, but in case of imperative public necessity (which necessity shall be stated in a preamble or in the

body of the bill), four-fifths of the House in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension and entered upon the journals. (Constitution, Article III, Section 32) (Former Rule 68)

ADOPTION OF AMENDMENT ON THIRD READING

Rule 7.20. No amendment shall be adopted at the third reading of a bill without the consent of two-thirds of the members present. (Former Rule 75)

LIMITATIONS ON APPROPRIATIONS BILLS

Rule 7.21. Unless within the authority of a resolution or resolutions adopted pursuant to Article VIII, Section 22(b), of the Constitution, it is not in order for the Senate to consider for final passage on third reading, on motion to concur in House amendments, or on motion to adopt a conference committee report a bill appropriating funds from the State Treasury in an amount that, when added to amounts previously appropriated by bills finally passed by both Houses and sent to the comptroller or due to be sent to the comptroller, would exceed the limit on appropriations established under Chapter 316, Subchapter A, Government Code. (Former Rule 94.1)

HOUSE AMENDMENTS TO SENATE BILLS

Rule 7.22. (a) When the House of Representatives shall adopt and send to the Senate amendments to a Senate bill, the President may refer the bill and the amendments to the Senate committee that previously had reported on the bill. The committee shall promptly report and recommend whether the Senate should concur in any or all of the House amendments.

(b) If a Senate bill is returned with House amendments and the bill is not referred to a Senate committee as set forth in Subsection (a) of this rule, all House amendments must be printed and laid on each member's desk for 24 hours prior to a motion to concur. (Former Rules 74a and 77)

DEFEATED BILL

Rule 7.23. After a bill has been considered and defeated by either branch of the Legislature, no bill containing the same substance shall be passed into a law during the same session. (Constitution, Article III, Section 34) (Former Rule 83)

SIGNING OF BILLS AND RESOLUTIONS BY PRESIDING OFFICER

Rule 7.24. The presiding officer of each House shall, in the presence of the House over which he or she presides, sign all bills and joint resolutions passed by the Legislature, after their titles have been publicly read before signing, and the fact of signing shall be entered on the journals. (Constitution, Article III, Section 38) (Former Rule 76)

SEVENTY-TWO-HOUR RULE

Rule 7.25. No bill shall be considered unless it has been referred to a committee and reported thereon, and no bill shall be passed which has not been presented and referred to and reported from a Senate committee at least three days before the final adjournment of the Legislature. It shall require a vote of four-fifths of the members present to suspend this rule. (Constitution, Article III, Section 37) (Former Rule 73)

TWENTY-FOUR-HOUR RULE

Rule 7.26. No vote shall be taken upon the passage of any bill within the last 24 hours of the session unless it be to correct an error therein, concur in House amendments to Senate bills, or adopt a conference committee report. It shall require a vote of four-fifths of members present to suspend this rule. (Former Rule 73)

ARTICLE VIII

PETITIONS AND RESOLUTIONS

PROCEDURAL RULES

Rule 8.01. Every resolution that requires the approval of the Governor shall be subject to the rules that govern the proceedings on bills. (Former Rule 78)

REFERRAL TO COMMITTEE

Rule 8.02. Petitions, concurrent and joint resolutions, and resolutions setting or defining legislative or state policy shall be referred to an appropriate standing committee when introduced and shall not be considered immediately unless the Senate so directs by a two-thirds vote of the members present. The motion to consider such petition or resolution immediately is not debatable. (Former Rule 78)

**CONGRATULATORY, MEMORIAL, AND COURTESY
RESOLUTIONS**

Rule 8.03. Congratulatory and memorial petitions and resolutions, after a brief explanation by the author or sponsor, shall be considered immediately without debate unless otherwise ordered by a majority of the members present. Upon request by any member, the presiding officer shall, at an appropriate time during the proceedings, recognize guests of such member in the Senate Chamber or gallery. Any member may request and the Secretary of the Senate shall provide a maximum of five copies of a courtesy recognition certificate for each person or group so recognized by the presiding officer. (Former Rule 79)

DEFEATED RESOLUTION

Rule 8.04. After a resolution has been considered and defeated by either branch of the Legislature, no resolution containing the same substance shall be passed into a law during the same session. (Constitution, Article III, Section 34) (Former Rule 83)

**ARTICLE IX
LOCAL BILLS****DEFINITION OF LOCAL BILL**

Rule 9.01. A local bill is defined for the purposes of this article as an Act the provisions of which relate to or affect directly a defined locality, district, or section of the state and which do not include or require any appropriation out of state funds, which do not affect any state policies, and which do not affect directly the state at large and the operation of which is confined solely to a particular locality, district, or section of the state. (Former Rule 88)

**INTRODUCTION AND CONSIDERATION
OF LOCAL BILLS**

Rule 9.02. The constitutional procedure with reference to the introduction, reference to a committee, and the consideration of bills set forth in Article III, Section 5, of the Constitution, shall not apply to local bills hereinafter defined, and the same may be introduced, referred, reported, and acted upon at any time under the general rules and order of business of the Senate. (Former Rule 88)

LOCAL AND UNCONTESTED CALENDAR

Rule 9.03. (a) At times designated by the Senate, the Senate shall meet in session to consider local and uncontested bills and resolutions listed on a calendar certified by the Administration Committee.

(b) The calendar must be placed on the desks of the members of the Senate no later than noon of the day preceding the session at which the legislation on the calendar is to be considered.

(c) A bill or resolution may not be considered if any two or more members of the Senate object in writing before the bill or resolution is laid out for passage on the local calendar or if an amendment other than a standing committee amendment is offered.

(d) The bills and resolutions shall be considered on second and/or third reading in the order in which they are listed on the calendar, and no motion to suspend the regular order of business is required. (Former Rule 14.1)

REFERRAL TO ADMINISTRATION COMMITTEE

Rule 9.04. (a) All local and uncontested bills and resolutions shall be referred to the Administration Committee for consideration on the Local and Uncontested Calendar.

(b) Senate Rule 11.10, Quorum of Committee, shall not apply to the Administration Committee when it is meeting for the specific and limited purpose of preparing and certifying the local calendar.

(c) The Chair of the Administration Committee may appoint a subcommittee consisting of not less than three members to prepare and certify the Local and Uncontested Calendar.

(d) The Administration Committee may set a time after which application for placement on the Local and Uncontested Calendar may not be accepted. (Former Rule 14.1)

**BILLS AND RESOLUTIONS NOT QUALIFIED FOR CONSIDERATION
ON THE LOCAL AND UNCONTESTED CALENDAR**

Rule 9.05. The Administration Committee may not consider a bill or resolution for placement on the Local and Uncontested Calendar unless:

(1) the sponsor of the bill or resolution applies for placement on the Local and Uncontested Calendar and submits 14 copies of the bill or resolution to the committee; and

(2) the Chair of the standing committee from which the bill or resolution was reported submits a written request for the placement on the Local and Uncontested Calendar. (Former Rule 14.1)

**BILLS AND RESOLUTIONS PROHIBITED FROM PLACEMENT
ON THE LOCAL AND UNCONTESTED CALENDAR**

Rule 9.06. The Administration Committee may not place a bill or resolution on the Local and Uncontested Calendar if it:

(1) creates a new department or subdivision of a department unless the bill or resolution is purely local in nature and does not require the expenditure of state funds; or

(2) contains an appropriation; or

(3) is contested. (Former Rule 14.1)

SUSPENSION OF LOCAL CALENDAR RULES

Rule 9.07. No provision of the Local Calendar Rules may be suspended except by the unanimous consent of the members present. (Former Rule 14.1)

ARTICLE X**AMENDMENTS TO THE CONSTITUTION****JOINT RESOLUTIONS SUBJECT TO RULES GOVERNING BILLS**

Rule 10.01. Joint resolutions proposing amendments to the Constitution shall be subject to rules that govern the proceedings on bills. They shall, in all cases, be read on three several days. (Former Rule 80)

**VOTES REQUIRED TO AMEND ON THIRD READING AND
TO PASS CONSTITUTIONAL AMENDMENTS**

Rule 10.02. Amendments on third reading to joint resolutions proposing constitutional amendments shall require an affirmative vote of two-thirds of the members present. Final passage shall require a vote of two-thirds of the members elected to the Senate. (Former Rule 80)

**FAILURE OF JOINT RESOLUTION TO BE ADOPTED
ON THIRD READING**

Rule 10.03. When a joint resolution has failed adoption on third reading, it shall not be considered again during that session. (Former Rule 81)

ARTICLE XI COMMITTEES

APPOINTMENT OF COMMITTEES

Rule 11.01. All committees shall be appointed by the President of the Senate, unless otherwise directed by the Senate. (Former Rule 93)

LIST OF SPECIAL AND STANDING COMMITTEES

Rule 11.02. At the beginning of each regular session, the President shall appoint the following special committees and standing committees with the number of members indicated: (Former Rule 94)

SPECIAL COMMITTEES

- (1) Committee on Administration (11 members)
- (2) Committee on Nominations (7 members)

STANDING COMMITTEES

- (1) Committee on Criminal Justice (7 members)
- (2) Committee on Economic Development (11 members)
- (3) Committee on Education (11 members)
- (4) Committee on Finance (13 members)
- (5) Committee on Health and Human Services (9 members)
- (6) Committee on Intergovernmental Relations (11 members)
- (7) Committee on Jurisprudence (7 members)
- (8) Committee on Natural Resources (11 members)
- (9) Committee on State Affairs (13 members)

OTHER SPECIAL COMMITTEES

Rule 11.03. The President may appoint additional special committees and may appoint subcommittees within committees with the consent of two-thirds of the members of the Senate. (Former Rule 94)

CHAIR AND VICE-CHAIR OF STANDING COMMITTEES AND STANDING SUBCOMMITTEES

Rule 11.04. The President shall designate the chair and vice-chair of each standing committee and standing subcommittee. (Former Rule 94)

LIMITATIONS ON MEMBERSHIP OF STANDING COMMITTEES AND STANDING SUBCOMMITTEES

Rule 11.05. A Senator may not serve on more than three standing committees and may chair only one committee. For each standing committee with more than 10 members, the President must appoint at least four Senators who served on the committee during the previous legislative session. (Former Rule 94)

APPOINTMENT OF SUBCOMMITTEES WITHIN A STANDING COMMITTEE

Rule 11.06. The chair of a standing committee may appoint subcommittees within a standing committee as the chair deems necessary to accomplish the work of the committee. (No Former Rule)

RECOMMENDATIONS OF COMMITTEES

Rule 11.07. All reports of standing committees shall be advisory only, except that a recommendation in a report that a bill which is a local bill be not printed shall be effective as an order of the Senate that the bill be not printed. A recommendation in a report that a bill which is a general bill be not printed shall be advisory only, and the bill shall nevertheless be printed unless the Senate on the same day or the next legislative day orders the bill not printed, as provided in Rule 7.13. (Former Rule 91)

RULES GOVERNING COMMITTEE PROCEDURES

Rule 11.08. (a) At its initial meeting each committee and subcommittee shall adopt permanent rules governing its procedures.

(b) Where applicable the rules of the Senate apply to committee proceedings, and a Senate rule prevails over a conflicting committee rule.

(c) Committee rules must include but are not limited to provisions governing written records of attendance, lack of a quorum, records of meetings, bill referral, bill setting, order of hearing bills, public hearings, subcommittee reports, minority reports, time limits on debate, and provisions for news coverage. (Former Rule 101.1)

RECORD OF COMMITTEE ATTENDANCE

Rule 11.09. At all meetings of the Senate committees, the chair shall call the roll of the members and cause to be made a record of those present and the absentees, together with the excuses, if any, of such absentees. (Former Rule 102)

QUORUM OF COMMITTEE

Rule 11.10. A majority of any committee shall constitute a quorum, and no action shall be taken upon any bill in the absence of a quorum. At any stated meeting of the committee, if a roll call discloses lack of a quorum, the members present may order the names of the unexcused absentees turned over to the Sergeant-at-Arms of the Senate whose duty it shall be to secure promptly the attendance of such absent members. The Sergeant-at-Arms shall have the same authority conferred on him or her under the rules of the Senate as when the Senate is operating under a call. (Former Rule 106)

PUBLIC NOTICE OF COMMITTEE MEETINGS

Rule 11.11. (a) No committee or subcommittee shall meet without at least 24 hours public notice.

(b) Each committee and subcommittee shall meet regularly at an established time and place and shall give public notice at least 24 hours in advance for special meetings.

(c) The chair of each committee and subcommittee shall notify the Secretary of the Senate immediately after the time and place for a committee meeting has been fixed or a meeting has been cancelled. The Secretary shall post notice of the time and place of the meeting on a bulletin board located outside the Secretary of the Senate's office. (Former Rule 103)

MINUTES OF COMMITTEE MEETINGS

Rule 11.12. (a) The chair of each committee and subcommittee shall keep or cause to be kept under the chair's direction an accurate record of the proceedings of his or her committee, and the same shall be open for inspection to any member of the Legislature and to the public. Each committee meeting shall be recorded on magnetic tape. (Former Rule 104)

(b) Each standing committee and subcommittee shall employ a committee clerk and, as determined by the Administration Committee, other staff necessary to coordinate and record the activities of the committee. Such committee clerks, staff, or any employee shall in no way be related to any member of the current Texas Legislature or be related to the person with the power of appointment for that position. (Former Rule 104)

(c) It shall be the duty of the committee clerk, with the assistance of other committee staff members, to keep a permanent, accurate written record of committee proceedings and to transcribe the magnetic tape recordings of committee hearings as ordered by the committee or subcommittee. It shall be the responsibility of the committee clerk to see that one copy of the transcript of proceedings and one copy of the permanent record be kept in the committee files, one copy of each be given to the Secretary of the Senate, and three copies of each be placed in the Legislative Reference Library. Such records shall be a matter of public record. (Former Rule 104)

(d) A copy of the record or minutes of each committee meeting must be filed with the Secretary of the Senate not later than seven days after the day on which the meeting was held. (No Former Rule)

COMMITTEE REPORTS

Rule 11.13. (a) The chair of a committee shall sign and file with the Secretary of the Senate a written report showing the committee's final action on bills and resolutions considered by the committee. In the chair's absence the vice-chair shall sign and file the report.

(b) The report must be filed within three calendar days after the final action is taken, Sundays and days the Senate is not in session excluded. If the report is not filed within the three-day limit, three members of the committee who were present when the final action was taken may file the report without the signature of the chair or vice-chair. (Former Rule 107(b))

CONSIDERATION OF BILLS IN COMMITTEES

Rule 11.14. It shall be in order for committees to consider bills and resolutions at any time during the session, make reports thereon, and file the same with the Senate; provided, however, that no Senate committee or conference committee may meet while the Senate is meeting, except by unanimous consent of the members present. (Former Rule 108 and No Former Rule)

CONSIDERATION OF HOUSE BILLS

Rule 11.15. It shall be the duty of each committee of the Senate when there has been referred to it or is before it for consideration a Senate bill and a House bill containing the same subject to consider first and report upon the House bill. (Former Rule 70(b))

VOTES OF COMMITTEE REQUIRED TO REPORT FAVORABLY

Rule 11.16. No bill or resolution shall be reported favorably unless it has received the affirmative vote of a majority of the membership of the committee to which it was referred, except as provided in Rule 11.18. (Former Rule 108)

UNFAVORABLE VOTE OF COMMITTEE

Rule 11.17. When a motion to report a bill or resolution unfavorably receives the affirmative vote of a majority of the members of the committee to which it was referred, except as provided in Rule 11.18, the bill or resolution is dead. (Former Rule 107)

MINORITY REPORTS

Rule 11.18. (a) If a motion to report a bill or resolution favorably or unfavorably fails to receive an affirmative vote of a majority of the members of a committee, a favorable minority report may be made. The minority report must be signed by three members of the committee if the committee is composed of less than 11 members or four members if the committee has 11 or more members. The members signing the report must have been present and voted for the motion to report favorably or against the motion to report unfavorably.

(b) The minority report must be filed with the Secretary of the Senate within two calendar days after the vote was taken, Sundays and days the Senate is not in session excluded.

(c) The sponsor of a bill or resolution for which a minority report is filed or a member signing the minority report must move to have the bill or resolution placed on the calendar within 10 calendar days after the date on which the committee's vote was taken. An affirmative vote of two-thirds of the members present is required for the motion to carry. The motion is privileged. If the motion fails or is not made within the time allowed, the bill or resolution is dead and may not be considered again during the session. (Former Rule 109)

PUBLIC HEARINGS

Rule 11.19. (a) No bill may be reported to the Senate before it has been the subject of an open public hearing before a committee or subcommittee. Notice of the hearing on the bill must be posted in a public place at least 24 hours before the hearing is to begin. The chair shall afford reasonable opportunity to interested parties to appear and testify at the hearing.

(b) The chair shall require all parties appearing at the hearing to swear or affirm that the testimony they give to the committee or subcommittee is true and correct.

(c) Any Senator, including one who is not a member of the committee, may question a witness at a hearing. This right shall not be construed to abridge the chair's right to provide others an opportunity to be heard or to entitle any Senator more rights than those afforded a member of the committee.

(d) When possible a person registered as a lobbyist and representing a client's interest at a public hearing shall submit a written statement of his or her presentation to the committee clerk for inclusion in the permanent record of the meeting.

(e) By majority vote a committee may fix the order of appearance and time allotted for each witness at a public hearing. (Former Rule 105)

**PRIVILEGED NOTICE OF HEARING ON SPECIFIC BILLS
(TAG RULE)**

Rule 11.20. (a) Except as otherwise provided in this rule, a Senator is entitled to receive a written notice of the time and place fixed for a public hearing on a specific bill at least 48 hours before the hearing is scheduled to commence if:

(1) the Senator has presented a written request for the advance notice to the Secretary of the Senate on a form prescribed by the Secretary; and

(2) no other Senator has previously presented a similar request to the Secretary.

(b) A Senator is not entitled to such advance notice if:

(1) the time and place for a hearing on the bill has been publicly posted for a period of 72 hours and the Senate has been in session at any time during the first 24 hours of the 72-hour period; or

(2) at the request of the chair of the committee to which the bill is referred, the Secretary of the Senate notifies each Senator in writing of the time and place for the hearing on the bill at least 48 hours before the hearing begins; or

(3) the bill has been laid before the committee for consideration.

(c) Upon receipt of written request for advance notice of a hearing, the Secretary of the Senate shall note the time and date of receipt on the request and file a copy of the request for public inspection. The Secretary of the Senate shall attach a copy of the request to the bill for which the advance notice is requested. The Secretary of the Senate shall not accept a request for advance notice of a hearing on a bill unless the bill is in the possession of the Senate and has been referred to a committee. The Secretary of the Senate shall immediately inform the chair or the vice-chair in the chair's absence of the request for advance notice.

(d) If a bill is included on the agenda of a committee meeting and the meeting has commenced, a request for advance notice must be presented to the chair of the committee rather than the Secretary of the Senate. The chair shall note the time the request was received and shall immediately notify the Secretary of the Senate.

(e) If requests for advance notice of a hearing on a bill are presented to the Secretary of the Senate simultaneously by two or more Senators, each Senator is entitled to notice.

(f) The chair of the committee to which a bill subject to advance notice is referred shall notify in writing the Secretary of the Senate and the Senator requesting notice of the time and place fixed for the hearing on the bill. Notice delivered to the office of the Senator requesting 48 hours advance notice shall constitute official notice to that Senator except that notice shall be delivered between the hours of 8:00 a.m. and 5:00 p.m. during days in which the Senate is convened. Delivery of the notice to the Senator's office shall be acknowledged in writing by the Senator or by a member of his or her staff at the time of delivery as to date and hour.

(g) If a Senator withdraws his or her request for advance notice of a hearing on a bill, a subsequently filed request by another Senator is valid unless a hearing on the bill has already been posted in response to the first request.

(h) A committee may not hear or take any other action on a bill subject to advance notice until the notice has been duly given.

(i) The President of the Senate shall ascertain the facts concerning the giving of a notice of a committee hearing on a bill, and the President's ruling as to the sufficiency of the notice based on the facts as ascertained by the President is the final determination of that point when no appeal from the ruling is made.

(j) If the provisions for requesting 48 hours advance notice before hearing of a Senate bill have been properly fulfilled and a House bill containing the same subject is before the committee, the House bill is considered to require the same 48 hours notice before hearing.

(k) The provisions of this rule apply to resolutions in the same manner that they apply to bills. (Former Rule 105.1)

SUBPOENA AND PROCESS

Rule 11.21. (a) By a record vote of not less than two-thirds of its members, a standing committee of the Senate may issue process to compel the attendance of a witness or to compel a person, agency, or corporation to produce any book, record, document, or other evidence in his, her, or its possession and control before a proceeding of the committee. The committee chair shall issue the subpoena or other process authorized by this rule in the name of the committee, and the subpoena must contain the following information:

(1) a statement of the reason the committee is requesting the appearance of a person or the reason the committee is requesting the production of documents;

(2) the name, address, and title or position of the person requested to appear;

(3) the specific document or documents being requested; and

(4) the specific time and place that the person is to appear or the specific place and time the documents are to be produced.

(b) Except as provided by this rule, the provisions of Sections 301.024, 301.025, 301.026, and 301.027, Title 3, Texas Government Code, apply to a subpoena or other process issued under this rule. (Former Rule 111)

ARTICLE XII

CONFERENCE COMMITTEES

APPOINTMENT OF CONFERENCE COMMITTEES

Rule 12.01. All conference committees of the Senate shall be selected and appointed by the President or the President Pro Tempore when the latter shall be presiding. The member authoring or sponsoring the bill for which the conference committee is selected shall be appointed chair of the Senate conferees. The majority of the Senate conferees must be from a standing committee which heard the bill. (Former Rule 95)

INSTRUCTIONS TO CONFERENCE COMMITTEES

Rule 12.02. Immediately after the Senate decides that any matter shall be submitted to a conference committee, the presiding officer shall state "Are there any motions to instruct the conference committee before appointment?" The presiding officer shall thereupon recognize members to make such motions to instruct and the Senate shall proceed to consider all such motions until disposed of or limited under the provisions of Rule 6.09. (Former Rule 96)

LIMITATIONS ON CONFERENCE COMMITTEE ACTIONS

Rule 12.03. Except as otherwise provided in this article, conference committees shall limit their discussions and their actions solely to the matters in

disagreement between the two Houses. A conference committee shall have no authority with respect to any bill or resolution to:

- (1) change, alter, or amend text which is not in disagreement;
- (2) omit text which is not in disagreement;
- (3) add text on any matter which is not in disagreement;
- (4) add text on any matter which is not included in either the House

or Senate version of the bill or resolution.

This rule shall be strictly construed by the presiding officer in each House to achieve the purposes hereof. (Former Rule 96)

CONFERENCE COMMITTEES ON APPROPRIATION BILLS

Rule 12.04. Conference committees on appropriation bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two Houses. In addition to the limitations contained elsewhere in these rules, a conference committee on appropriation bills shall be strictly limited in its authority as follows:

(1) If an item of appropriation appears in both House and Senate versions of the bill, such items must be included in the conference report.

(2) If an item of appropriation appears in both House and Senate versions of the bill and in identical amounts, no change can be made in such item or the amount thereof.

(3) If an item of appropriation appears in both House and Senate versions of the bill but in different amounts, no change can be made in the item, but the amount thereof shall be at the discretion of the conference committee, provided that such amount shall not exceed the larger version and shall not be less than the smaller version.

(4) If an item of appropriation appears in one version of the bill and not in the other, such item can be included or omitted at the discretion of the conference committee. If the item is included, the amount thereof shall not exceed the sum specified in the version containing such item.

(5) If an item of appropriation appears in neither the House nor the Senate version of the bill, such item must not be included in the conference report. However, the conference committee report may include appropriations for purposes or programs authorized by bills that have been passed and sent to the Governor and may include contingent appropriations for purposes or programs authorized by bills that have been passed by at least one House. (No Former Rule)

This rule shall be strictly construed by the presiding officer in each House to achieve the purposes hereof. (Former Rule 96)

CONFERENCE COMMITTEES ON TAX BILLS

Rule 12.05. Conference committees on tax bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two Houses. In addition to the limitations contained elsewhere in these rules, a conference committee on a tax bill shall be strictly limited in its authority as follows:

(1) If a tax item appears in both House and Senate versions of the bill, such item must be included in the conference report.

(2) If a tax item appears in both House and Senate versions of the bill and in identical form and with identical rates, no change can be made in such item or the rate therein provided.

(3) If a tax item appears in both House and Senate versions of the bill but at differing rates, no change can be made in the item, but the rate thereof shall be determined at the discretion of the conference committee, provided that such rate shall not exceed the higher version and shall not be less than the lower version.

(4) If a tax item appears in one version of the bill and not in the other, such item can be included or omitted at the discretion of the conference committee. If the item is included, the rate thereof shall not exceed the rate specified in the version containing such item.

(5) If a tax item appears in neither the House nor the Senate version of the bill, such item must not be included in the conference report.

This rule shall be strictly construed by the presiding officer in each House to achieve the purposes hereof. (Former Rule 96)

CONFERENCE COMMITTEES ON REAPPORTIONMENT BILLS

Rule 12.06. Conference committees on reapportionment bills, to the extent possible, shall limit their discussions and their actions to the matters in disagreement between the two Houses. Since the adjustment of one district in a reapportionment bill will inevitably affect other districts therein, the strict rule of construction imposed on other conference committees must be relaxed somewhat when reapportionment bills are involved. Accordingly, the following authority and limitations shall apply only to conference committees on reapportionment bills:

(1) If the matters in disagreement affect only certain districts and the other districts are identical in both House and Senate versions of the bill, the conference committee shall make adjustments only in those districts whose rearrangement is essential to the effective resolving of the matters in disagreement. All other districts shall remain unchanged.

(2) If the matters in disagreement permeate the entire bill and affect most, if not all, of the districts therein, the conference committee shall have wide discretion in rearranging the districts to the extent necessary to resolve all differences between the two Houses.

(3) Insofar as the actual structure of the districts is concerned and only to that extent, the provisions of Senate Rule 12.03 shall not apply to conference committees on reapportionment bills. (Former Rule 96)

CONFERENCE COMMITTEES ON RECODIFICATION BILLS

Rule 12.07. Conference committees on recodification bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two Houses. The comprehensive and complicated nature of recodification bills makes necessary the relaxing of the strict rule of construction imposed on other conference committees only to the following extent:

(1) If it develops in conference committee that material has been inadvertently included in both House and Senate versions which properly has no place in such recodification, such material may be omitted from the conference report, if by such omission the existing statute thereon is not repealed, altered, or amended.

(2) If it develops in conference committee that material has been inadvertently omitted from both the House and Senate versions which properly should be included if such recodification is to achieve its purposes of being all-inclusive of the statutes being recodified, such material may be added to the conference report, if by such addition the existing statute is merely restated without substantive change in existing law. (Former Rule 96)

SUSPENSION OF CONFERENCE COMMITTEE RULES

Rule 12.08. Limitations imposed on certain conference committees by the provisions of Senate Rules 12.03, 12.04, 12.05, 12.06, and 12.07 may be suspended, in part, by permission of both Houses to enable consideration of and action on a specific matter or matters which otherwise would be in violation thereof. Such permission shall be granted only by concurrent resolution passed by majority vote in each House, with yeas and nays thereon to be recorded in the journals of the respective Houses. Such concurrent resolution shall specify in detail: (1) the exact

nature of the matter or matters proposed to be considered; (2) the specific limitation or limitations to be suspended thereby; (3) the specific action contemplated by the conference committee thereon; and (4) the reasons why suspension of such limitations is being requested. In the application of this rule to appropriations bills, the resolution shall include a general statement outlining a proposed salary plan but need not include changes in amounts resulting from the salary plan and differences in language which do not affect the substance of the bill. Permission thus granted shall suspend such limitations only for the matter or matters clearly specified in the resolution, and action of the conference committee shall be in conformity therewith. (Former Rule 96)

PRINTING AND NOTICE OF CONFERENCE COMMITTEE REPORTS

Rule 12.09. (a) All conference committee reports on bills other than the general appropriations bill and tax, reapportionment, and recodification bills must be reproduced and a copy thereof furnished to each member at least 24 hours before any action thereon can be taken by either House; provided, however, that the 24-hour delay on action by either House, as herein provided, shall not apply during the last 48 hours of any session.

(b) All conference committee reports on the general appropriations bill, tax bills, reapportionment bills, and recodification bills must be reproduced and a copy thereof furnished to each member at least 48 hours before any action thereon can be taken by either House, if convened in regular session, and 24 hours, if convened in called session.

SECTION-BY-SECTION ANALYSIS

Rule 12.10. Each conference committee report, regardless of its subject matter, must have attached thereto a section-by-section analysis showing the disagreements which have been resolved by the conference committee. This analysis must show for each and every disagreement in parallel columns: (1) the substance of the House version; (2) the substance of the Senate version; and (3) the substance of the recommendation by the conference committee. No action shall be taken by either House on any conference committee report in the absence of such analysis, except by an affirmative vote of two-thirds of the members present, with the yeas and nays thereon to be recorded in the journal of such House. (Former Rule 96)

ENFORCEMENT BY PRESIDENT

Rule 12.11. The President of the Senate shall rule out of order any conference committee report which is in violation of any of the provisions and limitations contained in these rules. (Former Rule 96)

ARTICLE XIII

COMMITTEE OF THE WHOLE SENATE

RESOLVE INTO COMMITTEE OF THE WHOLE SENATE

Rule 13.01. It shall be in order for the Senate at any time after bills and resolutions have been called to resolve itself into a Committee of the Whole Senate. (Former Rule 97)

CHAIR OF COMMITTEE OF THE WHOLE SENATE

Rule 13.02. In forming a Committee of the Whole Senate, the President shall leave the chair and shall appoint a chair to preside in committee. (Former Rule 98)

RIGHT OF LIEUTENANT GOVERNOR TO DEBATE AND VOTE

IN COMMITTEE OF THE WHOLE SENATE

Rule 13.03. When in Committee of the Whole Senate, the President shall have the right to debate and vote on all questions. (Constitution, Article IV, Section 16) (Former Rule 99)

PROCEDURE IN COMMITTEE OF THE WHOLE SENATE

Rule 13.04. The rules of the Senate, as far as applicable, shall be observed in Committee of the Whole Senate. (Former Rule 100)

DEBATE AND AMENDMENTS

Rule 13.05. Upon a bill being committed to a Committee of the Whole Senate, the bill shall be read and debated by clauses, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page or line, shall be duly entered by the Secretary of the Senate on a separate sheet of paper as the same shall be agreed to by the committee and so reported to the Senate. After the report, the bill shall again be subject to be debated and amended or committed before a question to engross it be taken. (Former Rule 101)

**ARTICLE XIV
NOMINATIONS BY THE GOVERNOR****REFERRAL TO COMMITTEE**

Rule 14.01. When nominations shall be sent to the Senate by the Governor, a future day shall be assigned for action thereon, unless the Senate unanimously directs otherwise. They shall be referred directly to either the Committee on Nominations or the standing committee with jurisdiction over the subject matter involved, which shall hold hearings and report its actions directly back to the Senate. (Former Rule 36)

NOTICE RULE

Rule 14.02. Nominations, having been reported out of the Nominations Committee or other appropriately designated standing committee, shall not be acted upon unless the names of the nominees or individual nominee shall have been printed and laid on the members' desks 24 hours beforehand. (Former Rule 37)

EXECUTIVE SESSION OF COMMITTEE

Rule 14.03. Hearings on nominations by the proper committee shall be open meetings, unless an executive session is ordered by a majority vote of the membership of that committee. (Former Rule 38)

REPORT TO GOVERNOR BY SECRETARY OF SENATE

Rule 14.04. All nominations approved or definitely acted on by the Senate shall be returned to the Governor by the Secretary of the Senate from day to day, as such proceedings may occur. (Former Rules 39 and 48)

**ARTICLE XV
EXECUTIVE SESSIONS****SECRECY OF EXECUTIVE SESSION**

Rule 15.01. When the Senate is in executive session, the Senate Chamber and gallery shall be cleared of all persons except the Secretary of the Senate and the Sergeant-at-Arms who shall keep secret proceedings of such session until the injunction of secrecy is removed by unanimous vote of the Senate. (Former Rule 40)

VOTE IN OPEN SESSION

Rule 15.02. Consideration of all information and remarks touching the character and qualifications of nominees for confirmation by the Senate shall be in open session unless an executive session is ordered by a proper motion adopted by a majority vote of the membership of the Senate. Members of the Senate shall vote to confirm or not to confirm in open session of the Senate, and the votes to confirm and not to confirm shall be entered in the journal of the Senate. (Former Rule 41)

SENATOR CAN DISCLOSE OWN VIEWS

Rule 15.03. No member of the Senate shall be prohibited from revealing the member's own view on any matter or the member's vote on any matter pending or having been decided by the Senate. (Former Rule 42)

VIOLATION OF SECRECY

Rule 15.04. Any officer or member convicted of violating any provision of either Rule 15.01 or 15.02 shall be liable, if an officer, to dismissal from the service of the Senate and, if a member, to expulsion. (Former Rule 43)

REPORT OF EXECUTIVE SESSION TO BE RECORDED IN SENATE BOOK

Rule 15.05. The proceedings of the Senate, when in executive session, shall be kept in a separate book. The proceedings of the Senate, when in open session acting upon nominations made by the Governor, shall be entered in the journal of the Senate. (Former Rule 48)

ARTICLE XVI**VOTES REQUIRED TO ADOPT MOTIONS****DEFINITIONS**

Rule 16.01. The terms "unanimous consent," "four-fifths of the members of the Senate," "four-fifths of the members present," "two-thirds of the members of the Senate," "two-thirds of the members present," "a majority of the members of the Senate," and "majority of the members present" are defined as follows:

(1) "Unanimous consent" means the consent of all of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(2) "Four-fifths of the members of the Senate" means four-fifths of the 31 elected members of the Senate.

(3) "Four-fifths of the members present" means four-fifths of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(4) "Two-thirds of the members of the Senate" means two-thirds of the 31 elected members of the Senate.

(5) "Two-thirds of the members present" means two-thirds of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(6) "A majority of the members of the Senate" means a majority of the 31 elected members of the Senate.

(7) "A majority of the members present" means a majority of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

MATTERS REQUIRING UNANIMOUS CONSENT

Rule 16.02. Unanimous consent of the members present shall be required to:

(1) suspend the Senate floor admission rules; Rule 2.07 (Former Rule 64)

(2) suspend the local calendar rules; Rule 9.07 (Former Rule 36)

(3) authorize committees or conference committees to meet during a session of the Senate; Rule 11.14

(4) consider a nomination of the Governor without being referred to a committee; Rule 14.01 (Former Rule 36)

(5) suspense with secrecy of executive session. Rule 15.01 (Former Rule 40)

MATTERS REQUIRING VOTE OF FOUR-FIFTHS OF MEMBERS OF SENATE

Rule 16.03. A vote of four-fifths of the members of the Senate shall be required to:

(1) suspend the constitutional rule prohibiting consideration of a bill during first 60 days of a regular session; Rule 7.14 (Constitution, Article III, Section 5) (Former Rule 89)

(2) suspend the constitutional rule prohibiting introduction of a bill after the first 60 days of a regular session. Rule 7.07 (Constitution, Article III, Section 5) (Former Rule 87)

**MATTERS REQUIRING VOTE OF
FOUR-FIFTHS OF MEMBERS PRESENT**

Rule 16.04. A vote of four-fifths of the members present shall be required to:

- (1) suspend the constitutional rule requiring bills to be read on three several days; Rule 7.19 (Constitution, Article III, Section 32) (Former Rule 33)
- (2) suspend the requirement that a bill be reported from a Senate committee at least three days before final adjournment of a regular session; Rule 7.25 (Constitution, Article III, Section 37) (Former Rule 73)
- (3) pass a bill within the last 24 hours of a regular session; Rule 7.26 (Former Rule 73)
- (4) suspend the Intent Calendar rules. Rule 5.14 (Former Rule 14.2)

**MATTERS REQUIRING VOTE
OF TWO-THIRDS OF MEMBERS OF SENATE**

Rule 16.05. A vote of two-thirds of the members of the Senate shall be required for:

- (1) final passage of proposed amendment to the Constitution; Rule 10.02 (Constitution, Article XVII, Section 1) (Former Rule 31)
- (2) immediate effect of a bill; (Constitution, Article III, Section 39) (Former Rule 31)
- (3) the release of payment of taxes in cases of great public calamity; (Constitution, Article VIII, Section 10) (Former Rule 31)
- (4) final passage of bills to reduce county to less area than 900 square miles; (Constitution, Article IX, Section 1) (Former Rule 31)
- (5) passage of an address to the Governor for the removal of any civil officer; (Constitution, Article XV, Section 8) (Former Rule 31)
- (6) expulsion of a member of the Senate; Rule 4.09 (Constitution, Article III, Section 11) (Former Rule 31)
- (7) passage of House bills that have been returned by the Governor with objections; Rule 6.20 (Constitution, Article IV, Section 14) (Former Rule 31)
- (8) authorization for the President to appoint special committees and subcommittees within committees. Rule 11.03 (Former Rule 94)

**MATTERS REQUIRING VOTE OF
TWO-THIRDS OF MEMBERS PRESENT**

Rule 16.06. A vote of two-thirds of the members present shall be required to:

- (1) impeach any officer; (Constitution, Article XV, Section 3) (Former Rule 32)
- (2) pass a Senate bill that has been returned by the Governor with objections; Rule 6.20 (Constitution, Article IV, Section 14) (Former Rule 31)
- (3) confirm an appointee of the Governor, unless otherwise directed by law; (Constitution, Article IV, Section 12) (Former Rule 32)
- (4) adopt an amendment at third reading of a bill or a joint resolution; Rules 7.20 and 10.02 (Former Rule 32)
- (5) suspend the floor privileges of a member of the Senate; Rule 4.07 (Former Rule 58)
- (6) suspend the regular order of business; Rule 5.13 (Former Rule 32)
- (7) excuse absentees; Rule 5.03 (Former Rule 32)
- (8) set a matter for special order; Rule 5.11 (Former Rule 14)
- (9) place a minority report on the calendar; Rule 11.18 (Former Rule 109)
- (10) rerefer a bill to another committee; Rule 6.08 (Former Rule 92)

(11) suspend the section-by-section analysis on conference committee reports; Rule 12.10 (Former Rule 96)

(12) suspend, amend, or rescind any rule of the Senate unless the rules specify a different majority; Rule 22.01 (Former Rule 32)

(13) consider immediately petitions, concurrent and joint resolutions, or resolutions setting or defining legislative or state policy. Rule 8.02

**MATTERS REQUIRING VOTE OF MAJORITY OF
MEMBERS OF SENATE**

Rule 16.07. A vote of the majority of the members of the Senate is required to:

(1) pass a resolution initially adopting temporary or permanent rules of the Senate; Rule 21.01 (Former Rule 32.1)

(2) adopt, amend, or rescind the Joint Rules of the two Houses; Rule 21.02 and Rule 22.02 (Former Rule 32.1)

(3) adopt concurrent resolution to suspend conference committee rules; Rule 12.08 (Former Rule 96)

(4) commit or recommit bill, resolution, or petition to a committee; Rule 6.08 (Former Rule 92)

(5) hold an executive session. Rule 15.02 (Former Rule 41)

**MATTERS REQUIRING VOTE OF
MAJORITY OF MEMBERS PRESENT**

Rule 16.08. A vote of the majority of members present shall be required to:

(1) elect officers; Rule 1.05 (Former Rule 35)

(2) elect a member to preside; Rule 1.01 (Former Rule 5)

(3) remove a member from the chair; Rule 4.08 (Former Rule 53)

(4) pass a bill on second reading; Rule 7.18

(5) pass a bill on third reading, except to give immediate effect to the bill as required by Rule 7.19;

(6) adopt an amendment on second reading;

(7) adopt a motion to reconsider vote; Rule 6.10 (Former Rule 24)

(8) suspense with reading of papers; Rule 6.13 (Former Rule 25)

(9) debate a congratulatory, memorial, or courtesy resolution; Rule 8.03 (Former Rule 79)

(10) adopt a motion for previous question, after five seconds; Rule 6.09 (Former Rule 51)

(11) adopt a motion for immediate ruling, after 10 seconds; Rule 6.12 (Former Rule 52)

(12) concur in House amendments to Senate bills, except to give immediate effect to the bill as required by Rule 16.05(2);

(13) adopt a Conference Committee Report, except to give immediate effect to the bill as required by Rule 16.05(2).

**MATTERS REQUIRING VOTE WHEN LESS
THAN A QUORUM IS PRESENT**

Rule 16.09. When a quorum is not present, a majority of the members present may authorize a:

(1) call of the Senate; Rule 5.04 (Former Rule 4)

(2) call for absent members. Rule 5.02 (Former Rules 1 and 2)

**ARTICLE XVII
SENATE JOURNAL**

REASON FOR VOTE

Rule 17.01. Any member shall have the privilege to have spread upon the journal of the Senate a brief statement of the member's reason for any vote he or she may cast. (Former Rule 22)

JOURNAL OF SENATE

Rule 17.02. The proceedings of the Senate, when not in Committee of the Whole Senate or in executive session, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings. The titles of the bills and such parts thereof only as shall be affected by proposed amendments shall be inserted in the journal. Every report of a committee and vote of the Senate and a brief statement of the contents of each memorial, petition, or paper presented to the Senate shall also be inserted in the journal. Resolutions of a congratulatory nature and resolutions recognizing visitors to the Senate shall not be numbered or printed in the journal, but the names of the sponsor and the persons concerned and the recognition accorded may be listed for each day at the end of the day's proceedings. Originals of congratulatory recognition and memorial resolutions shall be limited to five in number. (Former Rule 46)

RETURN OF VETOED SENATE BILLS

Rule 17.03. When a bill shall be returned to the Senate by the Governor, with the Governor's objections, it shall be entered at large upon the journal. (Constitution, Article IV, Section 14) (Former Rule 47)

ARTICLE XVIII**MESSAGES TO AND FROM HOUSE****MESSAGES TO THE HOUSE**

Rule 18.01. Messages, bills, resolutions, and other papers shall be sent to the House of Representatives by the Secretary of the Senate who shall previously endorse upon them the final determination of the Senate thereon. (Former Rule 44)

MESSAGES FROM THE HOUSE

Rule 18.02. Messages may be received at any time, except while a question is being put, while the yeas and nays are being taken, or while the ballots are being counted. (Former Rule 45)

ARTICLE XIX**AGENCY RULES****REFERRAL OF AGENCY RULES**

Rule 19.01. The President shall refer to the appropriate standing committee each proposed agency rule on which notice is filed by an agency as required by the Administrative Procedure and Texas Register Act. (Former Rule 110)

COMMITTEE ACTION

Rule 19.02. The committee on a vote of a majority of its members may transmit to the agency a statement supporting or opposing adoption of the proposed rule. (Former Rule 110)

ARTICLE XX**WHEN SENATE RULES ARE SILENT****PRESIDENT OF SENATE DECIDES QUESTION**

Rule 20.01. The President of the Senate shall decide all questions not provided for by the standing rules of order of the Senate and joint rules of order of both branches of the Legislature, according to parliamentary practice laid down by approved authors. (Former Rules 15 and 50)

APPEAL TO SENATE

Rule 20.02. The President's ruling is subject to appeal to the entire Senate. (Former Rules 15 and 50)

**ARTICLE XXI
ADOPTION OF RULES**

SENATE RULES

Rule 21.01. The Senate shall at the beginning of each legislative session adopt temporary or permanent Senate rules by resolution of the Senate. The Senate rules shall be adopted by a majority of the members of the Senate. (Former Rule 32.1)

JOINT RULES

Rule 21.02. The House and Senate may adopt joint rules for the two Houses. Joint rules may be adopted by a majority of the members of the Senate. (Former Rule 32.1)

**ARTICLE XXII
SUSPENSION, AMENDMENT, OR RESCISSION OF RULES**

SENATE RULES

Rule 22.01. It shall require a vote of two-thirds of the members present to suspend, amend, or rescind any rule of the Senate, unless the rules specify a different majority. Rule 16.06 (Former Rule 32)

JOINT RULES

Rule 22.02. It shall require a vote of a majority of the members of the Senate to suspend, amend, or rescind the joint rules of the two houses. Rule 16.07 (Former Rule 32.01)

The resolution was read.

Senator Glasgow offered the following amendment to the resolution:

Amend C.S.S.R. 25 by deleting Senate Rule 11.18(a) and replacing it with the following:

Rule 11.18(a). If a motion to report a bill or resolution unfavorably receives the affirmative vote of a majority of the members of the committee, a minority report may be made. The minority report must be signed by three members of the committee if the committee is composed of less than 11 members, or four members if the committee has 11 or more members. The members signing the minority report must have been present and voted against the motion to report the bill or resolution unfavorably.

The amendment was read.

(President Pro Tempore Leedom in Chair)

On motion of Senator Glasgow and by unanimous consent, the amendment was withdrawn.

The resolution was adopted by the following vote: Yeas 28, Nays 0.

Absent-Excused: Lyon, Parker, Whitmire.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

President Pro Tempore Leedom announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given on Wednesday, January 25, 1989, by Senator Edwards.

Senator Edwards moved confirmation of the nominees reported by the Committee on Nominations.

The President Pro Tempore asked if there were requests to sever nominees.

There were no requests to sever.

NOMINEES CONFIRMED

The following nominees reported Wednesday, January 25, 1989, by the Committee on Nominations, were confirmed by the following vote: Yeas 28, Nays 0.

Absent-excused: Lyon, Parker, Whitmire.

Members, Texas Water Development Board: WALTER W. CARDWELL III, Travis County; WESLEY EDWIN PITTMAN, Midland County.

Member, Board of Regents, Texas A&M University System: BILLY W. CLAYTON, Lamb County.

Branch Pilots for Port Aransas Bar, Corpus Christi Bay and Tributaries: CAPTAIN VAN A. COURT, Nueces County; CAPTAIN DANIEL ALLEN DUBOSE, San Patricio County; CAPTAIN MERLIN W. HAYDON, JR., NUECES COUNTY; CAPTAIN BUFORD E. McRAE, Nueces County; CAPTAIN SAMMY MURPHY, San Patricio County; CAPTAIN BILLY JOE ROBBINS, Nueces County; CAPTAIN JAMES F. WILKERSON, JR., San Patricio County; CAPTAIN JOHN ROBERT WILLIAMS, San Patricio County.

Members, Board of Pilot Commissioners for the Ports of Galveston County: F. WAYNE FAIRCLOTH, JR., Galveston County; SIDNEY CHARLES FARMER III, Galveston County; MICHAEL B. HUGHES, Galveston County; MRS. DIANE MARIE BENDER PECK, Galveston County; JAMES FOSTER NOWLIN, JR., Galveston County.

Branch Pilots for the Ports of Galveston County: CAPTAIN GEORGE DENNIS DOHERTY, Galveston County; CAPTAIN CHARLES R. GILCHRIST II, Galveston County; CAPTAIN JOHN M. LANE, Galveston County; CAPTAIN JACK HARRIS SMITH, Galveston County.

Branch Pilots for the Galveston Bar and Houston Ship Channel: CAPTAIN ROBERT E. ADAMS, Harris County; CAPTAIN HANS E. ANDERSON, Harris County; CAPTAIN ROBERT D. BENNETT, Harris County; CAPTAIN R. M. BRATCHER, Harris County; CAPTAIN J. C. BROWNING, Harris County; CAPTAIN EDWIN L. BRUCE, Harris County; CAPTAIN ELDRIDGE L. BURNTHORNE, Harris County; JAMES J. DONNELLY, JR., Harris County; CAPTAIN ROY R. FAULKNER, Harris County; RAYMOND J. FINCHER, Harris County; CAPTAIN MICHAEL P. GALE, Harris County; CAPTAIN EARL C. GOODWIN, Galveston County; CAPTAIN JAMES L. GRIFFIN, JR., Harris County; CAPTAIN C. E. LARSEN, Harris County; CAPTAIN MICHAEL K. LAWSON, Harris County; CAPTAIN LINDBURG A. LeBERT, Harris County; CAPTAIN THOMAS N. LIGHTSEY, JR., Harris County; CAPTAIN TOMMY E. LONGINO, Harris County; CAPTAIN EDWARD B. MERCER, JR., Harris County; CAPTAIN P. J. NEELY, JR., Harris County; CAPTAIN WALTER C. NIXON, Harris County; CAPTAIN L. D. PALMER, Harris County; CAPTAIN JAMES W. PEARSON, Harris County; THOMAS E. PHELPS, Harris County; CAPTAIN PHILIP PIZZITOLA, Harris County; CAPTAIN NEILL W. RAY, Harris County; CAPTAIN J. W. ROWLAND, Galveston County; CAPTAIN WALTER F. RUSSELL, JR., Harris County; CAPTAIN CHARLES A. SCHUESSLER, Harris County; CAPTAIN ZANE SKINNER, Harris County; CAPTAIN ROGER H. SUTTON, Harris County; CAPTAIN ARTHUR TUTTLE, JR., Harris County; CAPTAIN L. C. VEST, Harris County; CAPTAIN JACK W. VETTER, Harris County; JOSEPH W. WARFIELD, Harris County.

Members, Pilot Commission for the Sabine Bar, Pass and Tributaries: KENT M. ADAMS, Jefferson County; MS. PATRICIA ANN CANTELLA, Jefferson

County; J. LYNN HARDEN, Jefferson County; WILLIAM G. McNINCH, Jefferson County; DR. CHARLES PAUL TURCO, Jefferson County.

Branch Pilots for Sabine Bar, Pass and Tributaries: CAPTAIN WILLIAM J. BARAN, Jefferson County; CAPTAIN DANIEL J. BROMLEY, Jefferson County; CAPTAIN ROBERT C. BROWN, Jefferson County; CAPTAIN MICHAEL J. CASEY, Jefferson County; DONALD C. FERGUSON, Jefferson County; CAPTAIN MICHAEL J. GERDES, Jefferson County; HENRY H. GUIDRY, Jefferson County; CAPTAIN MITCHEL L. HORNE, Jefferson County; LEROY RUDOLPH KURTZ, Jefferson County; CAPTAIN JOSEPH M. LUPTON, Jefferson County; JAMES OLIVER MEEKS, Jefferson County; WAYNE H. PARKER, Jefferson County; G. C. REESER, Jefferson County; CAPTAIN MILLARD A. SCOTT, Jefferson County; CAPTAIN KONSTANTINOS I. SELINIDIS, Jefferson County; CAPTAIN THOMAS B. SMITH, Jefferson County.

Branch Pilot for the Matagorda Ship Channel: CAPTAIN STEVEN C. GIBSON, Calhoun County.

Branch Pilot for the Brazos-Santiago Pass, Bar and Tributaries: CAPTAIN DOUGLAS M. GRANT, Cameron County.

Judge, 150th Judicial District Court, Bexar County: JUDGE ROBERT C. ARELLANO, Bexar County.

Judge, 93rd Judicial District Court, Hidalgo County: JUDGE ROBERT FIELD BARNES, Hidalgo County.

Judge, 275th Judicial District Court, Hidalgo County: JUDGE ROBERT F. BARNES, Hidalgo County.

Judge, Court of Criminal Appeals: JUDGE DAVID A. BERCHELMANN, JR., Bexar County.

Judge, 233rd Judicial District Court, Tarrant County: JUDGE WILLIAM H. BRIGHAM, Tarrant County.

Judge, 72nd Judicial District Court, Lubbock County: JUDGE JOHNSON BLAIR CHERRY, JR., Lubbock County.

Justices, Supreme Court of Texas: JUDGE EUGENE A. COOK, Harris County; JUDGE BARBARA G. CULVER, Midland County.

Judge, 265th Judicial District Court, Dallas County: JUDGE KEITH DEAN, Dallas County.

Judge, 295th Judicial District Court, Harris County: JUDGE DANIEL M. DOWNEY, Harris County.

Judge, 268th Judicial District Court, Fort Bend County: JUDGE BRADY G. ELLIOTT, Fort Bend County.

Judge, 194th Judicial District Court, Dallas County: JUDGE F. HAROLD ENTZ, Dallas County.

Judge, 226th Judicial District Court, Bexar County: JUDGE SID L. HARLE, Bexar County.

Judge, 280th Judicial District Court, Harris County: JUDGE MELINDA FURCHE HARMON, Harris County.

Judge, 192nd Judicial District Court, Dallas County: JUDGE MERRILL HARTMAN, Dallas County.

Judge, 219th Judicial District Court, Collin County: JUDGE CURT B. HENDERSON, Collin County.

Judge, 141st Judicial District Court, Tarrant County: JUDGE DIXON W. HOLMAN, Tarrant County.

Justice, Third Court of Appeals: JUDGE J. WOODFIN JONES, Travis County.

Justice, Fifth Court of Appeals: JUDGE ED KINKEADE, Dallas County.

Judge, 135th Judicial District Court, Calhoun, De Witt, Goliad, Jackson, Refugio, and Victoria counties: JUDGE MARION M. LEWIS, Victoria County.

Judge, 303rd Judicial District Court, Dallas County: JUDGE N. SUE LYKES, Dallas County.

Justice, Tenth Court of Appeals: JUDGE TERRY ROBERT MEANS, Navarro County.

Judge, 193rd Judicial District Court, Dallas County: JUDGE MICHAEL J. O'NEILL, Dallas County.

Judge, 134th Judicial District Court: JUDGE ANNE ASHBY PACKER, Dallas County.

Justice, Fourth Court of Appeals: JUDGE DAVID PEEPLES, Bexar County.

Chief Justice, Supreme Court of Texas: JUDGE THOMAS R. PHILLIPS, Harris County.

Justice, Seventh Court of Appeals: JUDGE PATRICK A. PIRTLE, Randall County.

Judge, 251st Judicial District Court, Potter and Randall counties: JUDGE PATRICK A. PIRTLE, Randall County.

Judge, 176th Judicial District Court: JUDGE JAMES BRIAN RAINS, Harris County.

Judge, 318th Judicial District Court, Midland County: JUDGE DEAN RUCKER, Midland County.

Judge, 225th Judicial District Court, Bexar County: JUDGE JOHN J. SPECIA, JR., Bexar County.

Justice, First District Court of Appeals: JUDGE RICHARD E. STEPHANOW, Harris County.

Presiding Judge, Second Administrative Judicial Region: JUDGE THOMAS J. STOVALL, JR., Harris County.

Judge, 294th Judicial District Court, Van Zandt and Wood counties: JUDGE TOMMY WAYNE WALLACE, Van Zandt County.

Judge, 125th Judicial District Court, Harris County: JUDGE DON E. WITTIG, Harris County.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Tejeda and by unanimous consent, Senate Rule 11.11 was suspended in order that a Subcommittee of Intergovernmental Relations might consider **S.B. 52** today upon recess.

GUEST PRESENTED

Senator Armbrister was recognized and introduced the Honorable Greg Laughlin, representing District 14 in the United States Congress.

The Senate welcomed Congressman Laughlin as a guest for the day.

MEMORIAL RESOLUTIONS

H.C.R. 8 - (Uribe): In memory of the Honorable John Arthur "Jack" Goolsby.

H.C.R. 10 - (Glasgow): In memory of Chief Deputy David William Jones.

H.C.R. 27 - (Carriker, Brooks): In memory of Helen Farabee and authorizing the planting of a tree on the Capitol grounds in her memory.

S.R. 60 - By Barrientos: In memory of Mack G. DeLeon, Sr., of Austin.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 27 - By Barrientos: Declaring February 1, 1989, City of Austin Day and extending best wishes for a most memorable sesquicentennial celebration.

S.C.R. 28 - By Barrientos: Welcoming the eminent delegation from Adelaide, South Australia, on their visit to our city and declaring Lord Mayor Steve Condous, Lady Mayoress Angela Condous, Councillor Brian Anders and Geoff Wagner, Director of Corporate Services, to be Honorary Texans.

S.R. 58 - By Henderson: Extending congratulations to Steven D. Doan on achieving the rank of Eagle Scout.

S.R. 59 - By Carriker: Extending congratulations to Mrs. Ethel Carroll Davis on her 90th birthday.

S.R. 61 - By Caperton: Extending congratulations to Andrew Andreasen on achieving the rank of Eagle Scout.

S.R. 62 - By Caperton: Extending congratulations to Jonathan Phillips on achieving the rank of Eagle Scout.

S.R. 64 - By Glasgow, Parmer: Extending appreciation to Dr. D. Brett Mitchell of Benbrook, "Capitol Physician for the Day."

RECESS

On motion of Senator Brooks, the Senate at 11:50 a.m. recessed until 9:30 a.m. tomorrow.

APPENDIX

Sent to Governor
(January 26, 1989)

S.C.R. 20

Filed with Secretary of State
(January 26, 1989)

S.C.R. 3

Signed by Governor
(January 27, 1989)

H.C.R. 7

H.C.R. 25

H.C.R. 31

S.C.R. 4

S.C.R. 8

S.C.R. 11

S.C.R. 20

Sent to Governor (January 30, 1989)

S.C.R. 10

S.C.R. 22

In Memory

of

Anne Metcalfe Clark

Senator Barrientos offered the following resolution:

(Senate Resolution 57)

WHEREAS, The Senate of the State of Texas joins with the citizens of Austin in mourning the loss of Anne Metcalfe Clark who died January 14, 1989; and

WHEREAS, Born 79 years ago on Glenbar Plantation, Metcalfe, Mississippi, she married Edward Clark on December 28, 1927; and

WHEREAS, This versatile, gracious lady attended Newcomb College and graduated from The University of Texas; and

WHEREAS, Her humor, wisdom, and endurance supported and encouraged her husband through 60 years of political involvement; together they received the Mirabeau B. Lamar Medal for distinguished contribution to Texas higher education; and

WHEREAS, A member of the Board of Regents of the Texas State University System, her dedication on behalf of higher education benefitted all Texans; and

WHEREAS, She was the author of two books, one of which describes her experiences in Australia when her husband was Ambassador there; and

WHEREAS, Mrs. Clark was a member of the Episcopal Church of the Good Shepherd, Chi Omega Sorority, and the Daughters of the American Revolution; and

WHEREAS, She will be remembered with honor and deep affection by all who knew her generous, honest, perceptive nature, and she will be sorely missed; now, therefore, be it

RESOLVED by the Senate of the State of Texas, 71st Legislature, That sympathy be extended to the family of the late Anne Metcalfe Clark: her husband, Edward Clark; her daughter, Leila Clark Wynn; her brother, Albert G. Metcalfe; and her four grandchildren and four great-grandchildren; and, be it further

RESOLVED, That copies of this Resolution be sent to her family as an expression of deep regret from the Texas Senate and that when the Senate adjourns this day, it do so in memory of Anne Metcalfe Clark.

**BARRIENTOS
BROOKS**

The resolution was read.

On motion of Senator Haley and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Barrientos and by unanimous consent, the resolution was adopted by a rising vote of the Senate.